



Northern Ireland
Assembly

Official Report (Hansard)

Monday 5 October 2015
Volume 108, No 1

Contents

Assembly Business

Ministerial Appointments: Mr Bell, Mr Hamilton, Miss M McIlveen, Mr Storey 1

Ministerial Resignations: Mr Bell, Mr Hamilton, Miss M McIlveen, Mr Storey 1

Matter of the Day

Brian Friel 1

Assembly Business

Committee Membership 3

Private Members' Business

Coroners Service 3

Cancer Services 15

Oral Answers to Questions

Office of the First Minister and deputy First Minister 22

Enterprise, Trade and Investment 31

Private Members' Business

Cancer Services (*Continued*) 31

Assembly Members

Agnew, Steven (North Down)
Allen, Andy (East Belfast)
Allister, Jim (North Antrim)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Buchanan, Thomas (West Tyrone)
Byrne, Joe (West Tyrone)
Cameron, Mrs Pam (South Antrim)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Cochrane, Mrs Judith (East Belfast)
Cochrane-Watson, Adrian (South Antrim)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Farry, Stephen (North Down)
Fearon, Ms Megan (Newry and Armagh)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hanna, Ms Claire (South Belfast)
Hazzard, Chris (South Down)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyons, Gordon (East Antrim)
Lyttle, Chris (East Belfast)
McAlear, Declan (West Tyrone)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McCorley, Ms Rosaleen (West Belfast)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McElduff, Barry (West Tyrone)
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McKinney, Fearghal (South Belfast)
McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (Speaker)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (West Belfast)
Middleton, Gary (Foyle)
Milne, Ian (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Murphy, Conor (Newry and Armagh)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
Ó Muilleoir, Máirtín (South Belfast)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Pengelly, Mrs Emma (South Belfast)
Poots, Edwin (Lagan Valley)
Ramsey, Pat (Foyle)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Rogers, Seán (South Down)
Ross, Alastair (East Antrim)
Ruane, Ms Caitriona (South Down)
Sheehan, Pat (West Belfast)
Somerville, Neil (Fermanagh and South Tyrone)
Storey, Mervyn (North Antrim)
Sugden, Ms Claire (East Londonderry)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)

Northern Ireland Assembly

Monday 5 October 2015

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Speaker: Before we proceed to today's business, I have some announcements to make.

Ministerial Appointments: Mr Bell, Mr Hamilton, Miss M McIlveen, Mr Storey

Mr Speaker: I advise the House that the Rt Hon Peter Robinson, as nominating officer for the DUP, nominated Mr Jonathan Bell MLA as Minister of Enterprise, Trade and Investment; Mr Simon Hamilton MLA as Minister of Health, Social Services and Public Safety; Miss Michelle McIlveen MLA as Minister for Regional Development; and Mr Mervyn Storey MLA as Minister for Social Development. Mr Bell, Mr Hamilton, Miss McIlveen and Mr Storey each accepted the nomination and affirmed the Pledge of Office in the presence of the Principal Deputy Speaker and the Clerk/Chief Executive on Wednesday 30 September 2015.

Ministerial Resignations: Mr Bell, Mr Hamilton, Miss M McIlveen, Mr Storey

Mr Speaker: I advise the House that those four Ministers subsequently resigned their offices on Thursday 1 October 2015. Standing Order 44(3) provides for a seven-day period during which the party that held those offices can nominate Members of its party to replace them and take up office. That period expires at the end of Wednesday 7 October 2015. I am satisfied that the requirements of Standing Orders have been met. Let us move on.

Matter of the Day

Brian Friel

Mr Speaker: Ms Anna Lo has been given leave to make a statement on the death of Brian Friel,

which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their place and continue to do so. All Members called will have up to three minutes to speak on the subject. I remind Members that I will not take any points of order on this or any other matter until this item of business has finished.

Ms Lo: I am greatly saddened by the news of the passing of Brian Friel. As people mourn his death, not only across the island of Ireland but throughout the world, my thoughts are especially with the Friel family. I call on Members to join me in paying tribute to Brian Friel, who was arguably Ireland's most iconic playwright and was sometimes described as Ireland's Chekhov.

Fintan O'Toole wrote in 'The Irish Times':

"Brian Friel's great achievement was indeed to give the confused their own nobility."

His plays are poignant and funny and allow us a glimpse of Friel's searing insight into the identity and lives of people.

Brian Friel's plays received world acclaim and were staged from Belfast to Dublin to Broadway. 'Dancing at Lughnasa' was, of course, made into a film starring Meryl Streep. Despite his global success, he remained very grounded and, as a co-founder of the Field Day Theatre Company, he helped to bring plays to school halls and community centres, giving people who would not normally visit theatres the opportunity to enjoy professional productions of his plays.

I was introduced to his work when I was a young secretary in the BBC World Service in Belfast in the early 1980s. We produced a programme on 'Philadelphia, Here I Come!', which was aired to a worldwide audience. I became a fan and have remained one ever since. Most recently, I was lucky enough to see a production of 'Lovers' in Cork over the summer, and I totally enjoyed it. We lost a

great talent last week, but Brian Friel's work will live on, and we are all the better for it.

Mr Speaker: Thank you. I remind Members who wish to speak that they need to rise in their places.

Mr M McGuinness: Go raibh maith agat, a Cheann Comhairle. When Seamus Heaney died two years ago, we lost a Goliath of world literature, an incredible poet who is widely acclaimed as one of the greatest the world has ever seen. With the passing of his very good friend Brian Friel, we have lost another Goliath of literature, someone who was regarded as the best playwright in the English language in maybe a century. That is some accolade for someone who went from Killyclogher in County Tyrone to the city of Derry and then on to County Donegal.

I join others in the House in offering our deepest sympathy to his wife, Anne, his daughters Mary, Judy and Sally, and his son, David. He was part of a very special group of people who formed Field Day in the city of Derry, working with Seamus Heaney, Seamus Deane, Stephen Rea and Tom Paulin. Tom read Seamus's poem 'Sunlight' very evocatively yesterday at the graveside in Glenties, County Donegal. I was honoured to be there.

I will finish with a poem that Seamus Heaney wrote for Brian Friel, an account of a journey that he, Brian and their two wives took in the west coast of Ireland. It is called 'Postscript':

*"And some time make the time to drive out west
Into County Clare, along the Flaggy Shore,
In September or October, when the wind
And the light are working off each other
So that the ocean on one side is wild
With foam and glitter, and inland among
stones
The surface of a slate-grey lake is lit
By the earthed lightning of a flock of swans,
Their feathers roughed and ruffling, white
on white,
Their fully grown headstrong-looking heads
Tucked or cresting or busy underwater.
Useless to think you'll park and capture it
More thoroughly. You are neither here nor
there,
A hurry through which known and strange
things pass
As big soft buffetings come at the car
sideways
And catch the heart off guard and blow it
open."*

Good man, Brian; good man, Seamus.

Mr Eastwood: I am happy to join Members who have spoken in sending the House's condolences to Anne and Brian Friel's family. I was a pupil at St Columb's College, so it was hard to escape the influence and inspiration of people such as Brian Friel, Seamus Heaney, John Hume and others who adorned the walls and sometimes entered through the front door to inspire us young people. It was a tremendous way to grow up, having, as we did, those kinds of inspirations all around us.

It is very difficult to sum up the impact of Brian Friel in a couple of minutes. Others talked about how much of an influence he has been on the literary scene around the world. The simplicity of his burial and funeral probably indicates what kind of a man he was. He lacked pretension and was almost embarrassed by his achievements.

Brian Friel was somebody who was able to translate into literature that which was previously left unsaid. He was able to straddle the supposedly conflicting notions of tradition and modernity, and to do it very, very well. He gave us the humility to understand that it was OK to be confused about identity. He was a tremendous asset and someone of whom all from our part of the world are very proud. I think that his influence will last for many's a generation to come. Thank you very much.

Mr Cree: Thank you, Mr Speaker. I wish to be associated with previous comments. I did not bring a poem, but it was good to hear the deputy First Minister reading that poem very well. The poem is interesting, as is much of Brian Friel's work. He really was a playwright extraordinaire. Whilst I do not think that I ever met him, his work is certainly highly respected and enjoyed at home and internationally. He was a remarkable man, and his passing leaves us all the shorter of that sort of people, such as Seamus Heaney, who has been mentioned. We are lucky to have had people like that, and I hope that we can still produce people like them in the future.

Brian had many interesting twists in his nature. I read in the paper that he was very into punctuality, and, apparently, his funeral yesterday was virtually timed to a T. Certainly, the world will be a worse place now that he has gone. I add my condolences to those sent to his wife and family circle.

Mr McNarry: One day, we will recognise greats when they are alive. I appreciate Ms Lo

bringing this item to the House today. It is a timely accolade that we remember this great at a time when, I am sure, his family are in mourning for him but deeply appreciative of the response that there has been not only to him as a great person but to his great work. Of course, many do not become great or are not recognised as great until the time of their passing. That was not so in the case of this great, who is named Brian Friel. I hope that his work will be lasting — I am sure that it will be — and that it will go forward throughout our education system as something worthy of being taken on board. UKIP supports the arts and the extension of the arts throughout our nation, and I hope that Brian Friel's name will be synonymous with what we do in the future. Again, I thank Ms Lo for bringing this to our attention.

Mr McElduff: Go raibh maith agat, a Cheann Comhairle. Ba mhaith liom mo chomhbhrón a dhéanamh le muintir Friel agus tá sé tábhachtach an comhbhrón sin a chur in iúl ag an am seo. I thank Anna Lo for tabling this very important matter and the deputy First Minister for acknowledging Brian Friel's "Killyclogherness". Derry and Donegal have, perhaps, the strongest claim on him, but I think that it is important for somebody from the Omagh district to step up here and say that we are very proud of him as well, and we do not give up our characters too handily. Brian Friel joins major local literary figures, such as Alice Milligan and Benedict Kiely, who are no longer with us. They were major literary figures from the Omagh district, I suggest.

I think that it will be appropriate in time for the relevant local government authorities in Donegal, Derry and Omagh to look at ways and means of reflecting his legacy. As someone who regularly attends the Mid Ulster Drama Festival, I know that a Friel play was always the highlight of nine nights in a row of theatre in Carrickmore.

Ba mhaith liom mo chomhbhrón a dhéanamh lena mhuintir.

12.15 pm

Assembly Business

Committee Membership

Mr Speaker: The next item on the Order Paper is a motion regarding Committee membership. As with other similar motions, it will be treated

as a business motion and there will be no debate.

Resolved:

That Mr Gordon Lyons be appointed as a member of the Committee for the Office of the First Minister and deputy First Minister; that Mr Paul Frew replace Mrs Brenda Hale as a member of the Committee for the Office of the First Minister and deputy First Minister; that Mr Ian McCrea replace Mr Tom Buchanan as a member of the Committee for Agriculture and Rural Development; that Mr Alex Easton replace Mr William Irwin as a member of the Committee for Employment and Learning; that Mr Paul Girvan replace Mr Paul Frew as a member of the Committee for Enterprise, Trade and Investment; that Mr William Irwin replace Mr Ian McCrea as a member of the Committee for the Environment; that Mr Gordon Lyons and Mrs Emma Pengelly replace Mr Paul Girvan and Mr Adrian McQuillan as members of the Committee for Finance and Personnel; that Mr Tom Buchanan replace Mr Paul Givan as a member of the Committee for Health, Social Services and Public Safety; that Mrs Brenda Hale replace Mr Alex Easton as a member of the Committee for Regional Development; that Mr Adrian McQuillan replace Mr Gordon Lyons as a member of the Committee for Social Development; that Mr Edwin Poots replace Mr Adrian McQuillan as a member of the Public Accounts Committee; and that Mr Gordon Dunne replace Mr Tom Buchanan as a member of the Committee on Standards and Privileges. — [Mr Weir.]

Private Members' Business

Coroners Service

Mr Speaker: The next item on the Order Paper is a motion on the Coroners Service. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members will have five minutes.

Mr Lynch: I beg to move

That this Assembly notes the concerns raised publicly around the impending retirement of the senior coroner without a replacement in place; and calls on the Minister of Justice to provide the resources necessary to ensure that our coronial system works in an effective and timely manner.

Go raibh maith agat, a Cheann Comhairle. I am pleased to lead on this important motion regarding the Coroners Service, put forward by my party, Sinn Féin. First, I think that it is important to put into context the critical task facing the coronial court service at this time in the North of Ireland and the reason why it needs the resources that are necessary to ensure that the Coroners Service works in an effective and timely manner — something that it is not doing at present.

There has been major controversy and frustration around inquests for many years now, particularly those involving state forces and their agents. There are 55 legacy inquests outstanding relating to 86 deaths. Many families have been waiting decades to find out what happened to their loved ones. There exists a huge lack of confidence in the coronial system. Many families and their legal representatives believe that there is a deliberate strategy to delay and hamper progress. I welcome the Minister; I did not see him at the beginning of the debate. I welcome his presence in the Chamber to listen to the debate.

The manner in which families have been treated is nothing short of a disgrace. Even after decades, they have not given up hope for truth and justice. I want to take this opportunity to welcome those families who are in the Public Gallery to hear the debate.

Turning to the concerns about the impending retirement of the senior coroner without replacement, we in Sinn Féin have been raising the issue with the Minister since the summer recess. Only last Monday, my colleague Raymond McCartney asked the Minister to outline the steps that his Department had taken to ensure that the Coroners Service had the resources to effectively and efficiently fulfil its statutory obligation. In his response, the Minister outlined the additional capacity that will be provided. Those measures ought to be welcomed. However, I have serious doubts that they will resolve the immediate and major problems facing the inquest backlog. With the best will in the world, it is difficult to see how those individuals promised will be in place before the end of the year, with the recruitment process for the senior coroner having been initiated only on 10 September, I think. That post may not be filled until well into 2016.

It is almost 18 months since the current senior coroner, Mr Leckey, announced his plans to retire. He gave ample time for his replacement to be selected well in advance of his going. The Minister cannot argue that he did not have

adequate notice. It begs the question why it took more than 12 months for the recruitment process to begin.

Given the public concern, raised by families and the legal profession, and the difficulties flagged up around high-profile legacy cases, I would have thought that the Minister would have moved as quickly as possible to ensure that the necessary processes were in place to select a new coroner. This only adds to the perception that the delay to recruit is meant to further delay and frustrate inquests happening in the near future.

I remind the Minister that he has an obligation, under article 2 of the European Convention on Human Rights, to carry out timely investigations into controversial deaths here. It is the case that the Minister knew not only that the coroner was going but the problems that would arise as a result of his retirement.

Earlier this year, Mr Leckey himself said:

"At the minute there are two coroners. Myself, I am almost at the exit door, leaving one in post, and it is a matter for the Department of Justice (DoJ) to resolve."

He continued:

"I am not in a position to hold"

— major inquests —

"because I will not be in office at the relevant time. There is no coroner able to take up these inquests".

This is a situation where the senior coroner was crying out for action, yet the Minister sat on his hands. I ask the Minister why a new coroner is not in post, given that Mr Leckey gave 18 months' notice of his departure. Did he think that one coroner could deal with so many pending inquests?

I welcome the Minister's response to Raymond McCartney last week, in that he has asked the Lord Chief Justice to exercise his powers under section 6(2) to appoint coroners to hear inquests in cases where a coroner is ill. I ask the Minister whether he has any update on that. I also take this opportunity to ask him, regarding the allocation of more complex cases to High Court judges, what the criteria for complex cases are and how many High Court judges will be involved.

I mentioned earlier the huge problem of delays in the system, despite a number of rulings by the European Court of Human Rights, which has repeatedly found the British Government to be in violation of article 2. Families are still awaiting a satisfactory outcome. These are unacceptable delays, and, on the face of it, appear to be a deliberate tactic to frustrate the truth from emerging.

The senior coroner expressed his disappointment at the continual delays caused by the lack of resources and by the fact that there was not sufficient disclosure of files. The delays, in his view, were intolerable, and in spite of his best efforts to prompt, cajole and order progress, the commitment of the hearings of those inquests remains at an uncertain point in the future. Sufficient resources will need to be applied in critical areas in preparation for those inquests if future delays are not to occur.

The senior coroner explained that he had a duty to hold an inquest that was compliant with human rights legislation and that he would, potentially, be unable to do so if there was not sufficient disclosure of files and adequate resources. The coroner clearly outlined that the two big problems are resources and disclosure. In my opinion, nobody was listening to him. I wonder whether his continual frustration was a factor in his announcing his retirement. The Minister and others argue that the only problem is the lack of funding due to budget pressures. However, those problems long predate such pressures.

I witnessed those frustrating tactics myself when I attended the inquest of Roseanne Mallon for a number of days with my colleague Bronwyn McGahan. Roseanne was a Tyrone pensioner who was shot dead by loyalists in 1994. Finally, after two decades of delay, her inquest began in the High Court in front of a High Court judge. We sat listening to part of the inquest proceedings in which it became clear that misleading and incorrect ballistics information was deliberately provided by the PSNI concerning the murder weapon, in that it falsely claimed that the weapon had no previous history. Had it not been for a former member of the Historical Enquiries Team (HET), following the events from England, that vital piece of information may never have come to light. In this case, a High Court judge, despite holding a senior position, had to continually exercise his authority to the point of almost daily frustration in getting any effective cooperation from the PSNI and the MOD. You had to be there to believe what was happening.

After six months, the MOD still had not handed over copies of some documents, forcing the judge to say:

"We are being fed little bits of information and have been on a repeated basis."

Mr Speaker: I just want to give a caution here. The motion is very specific and is to do with the appointment of a new coroner. I am very aware, as I am sure Members are, of the huge sensitivities and the frustration around the backlog and the delays, but we have to confine ourselves to the motion in front of us today. There is a danger that you are moving into an issue which is, in my view, a matter of grave public concern. Today's motion deals with making the necessary appointment of a senior coroner as soon as possible.

Mr Lynch: I understand, Cheann Comhairle, and I take your point. I was just giving an example of my own experience in a court.

The current senior coroner also agreed that we have wanted our own coroner's investigation and we would be able to undertake that task. It is preferable to have our own, rather than ask an agency such as the PSNI. I know that the Minister mentioned in his answer to Raymond McCartney last week that these arrangements have been processed to recruit two investigating officers for the Coroners Service. Again, Minister, this is to be welcomed. However, when will these officers be in place, will they be independent and will their appointment depend on current or future funding?

To conclude, Cheann Comhairle, I understand that a judicial-led assessment is being done on the state of readiness of the outstanding legacy inquests and that a new legacy unit in the Coroners Service will be established in December. I ask the Minister for an update on this issue. Families and NGOs such as Relatives for Justice, which is supporting families in 21 of the 60 legacy inquests, tell me that they are being squeezed from both ends with the inability of the system to fully function through a strategy of denying and starving it of resources. This is unacceptable and is a violation of article 2. The Minister has a major responsibility to ensure that Coroners' Courts are adequately resourced so that all relatives get access to the truth and justice that they deserve.

Mr A Maginness: Mr Speaker, I will try to obey your injunction in relation to the confines of this particular debate. We did in fact try to expand

the motion to include the wider issues to which Mr Lynch referred. I agree with him that the appointment of a new senior coroner is a belated exercise. He is quite right to be critical of that, and we share his concerns in relation to this matter. It seems that there has been a serious and material delay in the appointment process. Let us hope that that process is expedited and that an appointment can be made quickly.

I also refer to the fact that the Coroners Service review made a number of recommendations. Those 13 recommendations are pertinent to this debate, narrow though it may well be. In particular, recommendation 8 is:

"to ask the NI Judicial Appointments Commission and the Minister to adjust Coroner complement to two full-time Coroners and a number of Deputy Coroners to create more flexibility and better align and integrate with additional resource at a higher judicial tier to deal with the most complex inquests."

Of course, in relation to the latter point, the Lord Chief Justice will soon assume the position of president of the Coroners' Court. The Lord Chief Justice, in the exercise of his office as president, will be able to allocate more complex legacy cases to a judge coroner at a higher judicial tier. That will include High Court judges, who could examine some of the outstanding legacy inquests that are still on the books.

I am told that, according to the latest assessment, there are 53 legacy inquests outstanding.

12.30 pm

That is a lot of work that needs to be addressed by the Coroners Service. It therefore requires the necessary resources — the necessary personnel — to deal with that work. I know that the Minister does not directly appoint coroners — it is up to the Northern Ireland Judicial Appointments Commission (NIJAC) to do that — but I would be interested to hear from the Minister about early appointments and how those appointments will address the backlog that everybody is concerned about.

Mr Lunn: I thank the Member for giving way. Mr Maginness said that the Lord Chief Justice is about to take over the presidency of the Coroners' Court. In fact, he has declined to take over the presidency in the meantime, because he is not satisfied that there is sufficient political will to move things forward.

Mr Speaker: The Member has an extra minute.

Mr A Maginness: Mr Lunn raises an interesting point. I was unaware that he had specifically declined the appointment. My understanding was that he would become president in November of this year. That date may well not be met. I hope that it will be met, because the Lord Chief Justice has expressed his concerns publicly on the matter and he would be ably suited to dealing with the situation that has arisen over many years.

The legacy inquests that we have talked about arise from the decisions of the European Court in dealing with article 2 compliance. That is an important issue for all of us. Apart from that, we have the whole system of inquests. We perhaps overly concentrate on legacy inquests, but there is a whole system of inquests in Northern Ireland that needs proper addressing by the coronial service. Unfortunately, the resources are simply not there.

I will conclude on the following point. This is a timely debate, and I thank Mr Lynch for bringing the motion to the House. It has a wider political dimension, which is reflected in the talks that are ongoing today, and have been for some weeks, on the Stormont House Agreement. It involves us collectively putting our minds together to address the very difficult issues from the past that affect us in the present. Unless we deal with them now, they will haunt us forever.

Mr Somerville: The debate touches on a number of very important issues for our justice system. For some time, there have been concerns at delays in the system, including those relating to the Coroners Service. Just last week, the Justice Minister told the House that one of Northern Ireland's three full-time coroners, Mr Leckey, is due to retire at the end of this month and that a competition is already under way to replace him.

The Ulster Unionist Party does not want to see undue delay anywhere in the justice system. After all, a basic principle of justice is that it be swift. My party is clear that we cannot have a rewriting of history or allow certain cases to be seen to be given preferential treatment when there are many Troubles-related cases in the justice system that do not get a similar focus as some of those with the coroner.

We have long had concerns about the process relating to the Coroners' Court, and those arguments were well rehearsed during the Haass talks and in the run-up to the Stormont House Agreement. We have been consistent in

our position that Coroners' Court legacy cases should be dealt with by whatever form of historical investigations unit (HIU) emerges from the various talks processes. Unfortunately, the SDLP and Sinn Féin objected, and, as a result, we are where we are. Indeed, one of the claims from nationalists and republicans was that doing so had to be compliant with article 2 of the European Convention on Human Rights. That is why they would not support the inclusion of the coroner's inquests in the HIU.

However, it has emerged that the HIU will, indeed, be article 2-compliant.

As far back as June 2012, we issued a paper entitled 'Dealing with the Past', which contained a section of proposals for Coroners' Courts. The very first line of that section warned that the backlog that was then facing Coroners' Courts was:

"A legacy silo with massive potential to re-write history".

In a subsequent paper from March 2014, we stated that:

"At present, truth and justice are administered through a series of instruments that add up to an incomplete, imperfect and imbalanced manner."

We said that:

"For many years, we understood the instruments to be:

- Public Inquiries;*
- Office of the Police Ombudsman for Northern Ireland (OPONI);*
- Legacy Coroners Courts;*
- The Historical Enquiries Team (HET)."*

We had concerns about each of them, and, in relation to the legacy Coroners' Courts, we are concerned about the tendency to focus on controversial killings rising from actions of the police or the army. In particular, we are concerned that the public tend to judge investigations against contemporary standards without due regard to near-impossible investigatory conditions of the time. In short, the four processes put an almost exclusive focus on the state and the security services, a perversion of the fact that the state was responsible for no more than 10% of all killings and that few of those are actually contested. The Ulster Unionist Party will not permit the rewriting of the history of the Troubles.

In terms of the resources needed, in that very document, we highlighted that:

"The 'elephant in the room' of the Haass and Party Leaders' processes is this: Who is going to pay if changes are agreed?"

We noted then that the coronial courts were badly under-resourced, with a question mark over the suitability of a Coroners' Court to deal with some of the cases on its list. In that document, we fully accepted that the best route to justice is the criminal justice system, and we identified the question as being of whether the organs of the system were properly resourced and also fair and equal to all.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

In today's motion, Sinn Féin calls on the Minister of Justice to provide the resources necessary to ensure that our coronial system works in an effective and timely manner. This raises certain questions. Just where do they think that he will find the money? Have they forgotten about the phantom Budget, which they voted for? Do they not understand the black hole that is at the centre of the Executive's finances? Does Sinn Féin not recognise the devastating impact that its failure to stick to the Stormont House Agreement on welfare reform has had through the Treasury fines of £2 million a week? Sinn Féin needs to do more than demand that the Justice Minister acts. It cannot continue to deny the leading role that it has played in creating the economic mess that we now find ourselves in.

Mr Dickson: At the heart of this debate are families and people who are waiting for decisions. That is the most important aspect of delivery of the Coroners Service and dealing with the legacy issues of the past, and we should not set that to one side in this debate. At the heart of this is getting at the truth and delivering that truth to people who are grieving and people who are concerned. Nevertheless, it is ironic, at best, and downright shameful that those people who are blocking the reform of this are blocking it because they are not prepared to adequately fund the service. The Minister of Justice, just like the Minister of Finance or any other Executive Minister, does not have a money-printing machine, let alone a money-laundering machine in the Assembly. It is entirely down to those who have failed and welshed on the agreements that they made at Stormont House that we are in the situation that we are in today.

There is one other player in this, and that is the United Kingdom Government. We should not let the Secretary of State and others away with this. For example, the United Nations Human Rights Committee report on compliance with the International Covenant on Civil and Political Rights clearly makes it plain that the UK Government should ensure that the Legacy Investigation Branch and Coroners' Court service in Northern Ireland are adequately resourced and well-positioned to effectively review outstanding legacy cases.

On top of parties here failing at Stormont House in their obligations to deliver a balanced Budget and the appropriate resources for the Coroners Service, there is an imperative on the United Kingdom Government to take cognisance of their responsibilities when it comes to funding the service. Of course, there are also the much wider issues of how adequate and appropriate cooperation is delivered when the Coroners Service is dealing with cases.

We cannot spend money that we do not have. I believe that the Minister of Justice has taken all the appropriate steps, particularly in discussions with the Lord Chief Justice. I believe that those steps are vital in ensuring public confidence in our Coroners Service, but in all of this lies the failure of others to reach appropriate agreements to ensure that there are sufficient funds to deliver the service.

We should never forget what is at the heart of a coroner's decision: bringing about the truth and describing the circumstances of a death. Those are important issues not only for, at the core of it, the relatives who are left behind but for this society in order for us to learn the lessons of the past and to ensure that we never go back there but move forward.

Ms McGahan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle, for allowing me the opportunity to address the House on the important issue of the impending retirement of the senior coroner without a replacement being in place and to call on the Minister of Justice to provide the resources necessary to ensure that our Coroners Service works in an effective and timely manner. My focus today will be mainly on our inquest system and the backlog of cases relating to controversial killings, often involving state actors due to our most recent conflict.

At a Policing Board meeting only last week, the PSNI Chief Constable described the current state of the inquest system as "chaotic". As we know, almost 60 conflict-related inquests are open. The under-resourcing of the Coroners Service is a critical matter regarding delays in

holding inquests. Two of our three coroners are off on sick leave, and the senior coroner, John Leckey, is due to retire. Under article 2 procedural obligations, a key part of compliance with the law is to investigate killings involving the state thoroughly, independently, effectively and promptly. Inquests are a central element of the overall process.

Mark Thompson of Relatives for Justice was correct when he said recently:

"That many of the killings being examined enquire into the role of the British army, the SAS, and the RUC may help to shed some light as to why inquests have become 'log-jammed'."

Mr Thompson was also correct when he added:

"So too is the serious matter of collusion with RUC Special Branch and other intelligence agencies being scrutinized within inquests."

Up until quite recently inquests lacked the power to compel members of the RUC and British army that killed people. Inquests could not deliver verdicts or attribute blame, or examine the nature and circumstances of killings beyond basic facts already widely known. Families were also denied legal aid, relying on lawyers to represent them pro-bono. The main practice was to delay inquests into controversial and disputed killings. Oftentimes the average period before holding an inquest could be as long as a decade. Some of the most controversial are waiting over 20 years to be completed."

My party colleague Seán Lynch referred to some of those — for example, Roseanne Mallon, who comes from my own parish of Killeeshil.

In March 2001, a landmark ruling by the European Court of Human Rights found that the investigative processes in place to examine killings involving the state, including collusion, were in breach of the legal obligation on the state to investigate such killings properly. This ruling meant that inquests needed to change: those within the British state security apparatus who killed people would need to appear and be questioned; disclosure of information and intelligence and documents relating to killings would be available; and the examination of killings beyond the facts would now take place.

The ruling meant that quite a number of inquests into controversial killings that had not yet been held would operate to the new rules, which is an unexpected problem now faced by the British Government.

12.45 pm

Families have painstakingly fought hard to ensure that inquests function properly. A relative for justice often says that it is a case of deny, deny, deny and then delay, delay, delay. Recently, Belfast solicitor Patrick Murray wrote to the Lord Chief Justice and the Coroners Service, asking that they intervene in nearly 30 delayed cases because of concerns that the lack of coroner availability was "hampering progress". Mr Murray, speaking to 'The Detail', said that the absence of coroners had led to the adjournment of several inquests in recent months

He added:

"We still see systemic delays in the progress of many inquests. In fact it can be argued that the situation has been [made worse] by the failure to appoint a new senior coroner in a timely fashion and the absence of other coroners through illness."

In the same news report, 'The Detail' also mentioned a previously unpublished Department of Justice document that says that it will take up to 12 years to deal with the current backlog of legacy inquests linked to the recent conflict in the North of Ireland.

Several letters sent recently by Paddy Murray's law firm ask for intervention from the Lord Chief Justice in relation to the various stages of inquests into deaths, including the killings carried out by state forces during the Ballymurphy massacre.

Now, looking to the future, the commitment in the Stormont House Agreement to sort out the inquest system is one that is long overdue. Under-resourcing and the deliberate —

Mr Principal Deputy Speaker: I ask the Member to conclude her remarks.

Ms McGahan: — non-disclosure and destruction of evidence have been deliberate and strategic British state tactics in the face of an accountable devolved inquest system.

Mrs D Kelly: I support the 13 recommendations in the Coroners Service review and ask whether the Minister can give us some rationale for the

delay that has occurred. Mr Leckey gave notice of his resignation almost a year ago, yet it was only in September that the job was advertised. More recently, Mr Leckey expressed his concerns, saying that it might be Easter before someone was in post. I noted that, at some stage in Question Time last week — I am not sure whether it was in a written or oral answer — the Minister said that he would write to the Attorney General to look for temporary replacements for members of staff who, I understand, are currently on sick leave. Maybe the Minister can give us an update on that. As Mr Dickson and others said, at the heart of this are families who want closure.

I pay tribute to Mr Leckey and the leadership that he has shown over many difficult years. We have heard from a number of contributors to the debate thus far of the need for closure for many families, particularly on historical cases. Mr Leckey has been very critical of the failure of the PSNI in the disclosure process, and, often, he has had to come out publicly to criticise the police. As a member of the Policing Board, I take that very seriously. Recently, we asked the Minister of Justice to help to commission a Her Majesty's Inspectorate of Constabulary (HMIC) inspection into that disclosure process so that we could get some understanding of the delays, given that the reasons given by the PSNI and those from the coroner's perspective are contradictory.

Mr Somerville talked about Haass and the implementation of the Stormont House Agreement. Some try to blame the continued delay on republican and nationalist parties not signing up to, or at least delaying, its implementation. However, Eames/Bradley was on the table, and our party firmly believes that it was the better and more comprehensive template for having a better way to deal with the past.

I heard Ms McGahan, and I am sorry to say that she has dragged this down in some sense, as if there was a one-sided history. If I may say so, part of the fear that I have heard unionist parties express is that there would be a one-sided accounting for the past. Only recently, two families had the bodies of their sons — Mr McKee and Mr Wright — returned to them after they had been disappeared by the IRA for several years. If there had been a coroner, there was no body for him to examine so that he could give the reason.

I note that some members of Sinn Féin are not yet hanging their heads in shame, but perhaps they should at these junctures. When they make comments like that, they should expect

some level of retaliation, in terms of how they have had a responsibility for families not getting closure. Whilst the state has a particular responsibility, and has, I think, a higher standard than terrorist organisations, it, too, should not be allowed to get away in the smoke because I think that there are some 2,000 deaths unaccounted for. That is why some of us are labouring over the issues around dealing with the past at the Stormont House talks, trying to get the best outcome for families, regardless of who created the victimhood and bereavement in their families.

I go back to the main script and to some of the recommendations in the report. The report also says that the legislation around the coroner's office needs to be looked at, and I want to hear from the Minister whether there are any plans to have a programme of work for a new coroner at an early stage, if and when one is appointed. An off-the-starting-block approach should be taken, given that this report is with the Minister's Department. I hope that any coroner appointed is fully au fait with the recommendations. It would be useful to hear from the Minister which of those recommendations he can initiate in the absence of a senior coroner at this stage. Thank you, Principal Deputy Speaker.

Mr Hussey: Like the Member who spoke previously, I will go off script before I start. During her speech, Ms McGahan said: "deny, deny, deny". I remind you of the murders of Jean McConville, Robert McCartney and Paul Quinn. "Deny, deny, deny". The IRA denied involvement, and your party leader denied the involvement of the IRA.

However, as has already been said, this is an important debate on a subject that affects many people. As my party colleague Neil Somerville highlighted, the Ulster Unionist Party has been concerned with delays in the justice system, including those relating to the Coroners Service. Many of the legacy cases currently in the queue to be dealt with by the coroner date back to the 1970s.

My party and I have long been concerned about the efforts of some to rewrite history, a process already referred to by Mrs Kelly. We have raised this issue consistently in both the Haass and Stormont House talks processes and will continue to do that for as long as it takes. We had concerns about each of them and, in relation to the legacy Coroners' Courts, we were concerned at the tendency to focus on controversial killings arising from the actions of the police and army. In particular, we are concerned that the public tends to judge investigations against contemporary standards,

without due regard to the near impossible investigatory conditions of the time.

The Ulster Unionist Party will not permit a rewriting of the history of the Troubles. The state was responsible for no more than 10% of over 3,000 killings, and few of those were actually contested. Mistakes were made, but they were just that: mistakes, unlike the actions of terrorists of all shades who set out to deliberately commit murder.

Again, at this stage, I go slightly off speech. Many references have been made to the European Convention on Human Rights (ECHR). I remind every Member in the Chamber that the most basic human right is that to life, and that right was removed for over 3,000 people in Northern Ireland. Let us remember that first: the most important right under the ECHR is the right to life.

One of the coroner's cases with which I have more than a passing acquaintance is the Kingsmills massacre; it is, indeed, one of the few cases not, allegedly, a state killing. My colleague Danny Kennedy has been working with the families of those murdered at Kingsmills who have seen many delays in the inquest. I apologise to the House for the absence of Mr Kennedy: he is unwell and I have been asked to represent him. Next year will mark the fortieth anniversary of the massacre, and for the sole survivor, Alan Black, and for the relatives and families involved, the case needs to be properly and fully addressed. Full access should be provided to the new coroner or High Court judge of the intelligence records North and South. Some concern has been expressed by the relatives about the quality of such information from the Republic of Ireland, despite the personal assurances of Enda Kenny, who has met the families on two occasions.

This was a brutal murder carried out by the IRA. It was a cold-blooded massacre of innocents for no reason other than that they were Protestant. Nobody from the other side of the Chamber on the Sinn Féin Benches can deny that. Nobody from the other side of the Chamber on the Sinn Féin Benches can actually justify that killing. It was a cold-blooded murder. So, there was no Ireland of equals for them.

Having lived through that era, I fully understand the circumstances in which the security forces were forced to operate throughout Northern Ireland, given the levels of threat posed by terrorists and the sheer scale of their activities. Certainly, in south Armagh in 1976 they were severely stretched. It is important that, from the

safety of nearly 40 years thence, we do all that we can to establish what information was available to the security authorities that could have prevented this atrocity in any way.

Perhaps also those members of Sinn Féin who still have associations with the Provisional IRA, or know of those who served in the Provisional IRA, will ask those people to bring forward their evidence. Let the coroners hear what they did and when they did it. There are often calls for police officers and members of the security forces to come before courts. There is mention made of basic facts that are already known. Well, a lot of basic facts are already known about other cases involving republicans. Even names are in the ether. Why do these people not make themselves available to go before the Coroners' Court and say what they did; or, as Mrs Kelly has suggested, perhaps they are hanging their heads in shame.

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr Hussey: If the Members opposite are really concerned about the resources available to the Justice Minister, then they should take immediate action to end the disgraceful situation whereby, as a result of Sinn Féin's refusal to stick to the Stormont House Agreement and to the deal on welfare reform, we are losing £100 million a year in Treasury fines.

Mr Principal Deputy Speaker: I call the Minister of Justice, Mr David Ford. The Minister has up to 15 minutes to conclude on the debate.

Mr Ford (The Minister of Justice): Thank you, Mr Principal Deputy Speaker. I welcome this debate today: it not only addresses an extremely important issue regarding dealing with the past; but it also provides me with an opportunity to update Members of the House on the resources that are being provided to the Coroners Service, to ensure that it continues to fulfil its obligations after the retirement of the senior coroner.

It is also right that I should detail the progress made over recent months to improve the resilience of the service consistent with the Stormont House Agreement. My aim is to ensure that the legacy inquest process is better equipped to meet the needs of bereaved families and is capable of being conducted in compliance with European Convention on Human Rights article 2 requirements.

Members will be aware — and if any in the Chamber were not aware before others spoke, they are now — that Northern Ireland has a complement of three full-time coroners. As the senior coroner is retiring on 31 October 2015, a competition to appoint a successor was launched by the Judicial Appointments Commission on 10 September, with a closing date of today.

In the meantime, the Lord Chief Justice has assigned a County Court judge to the Coroners Service to provide additional capacity. To facilitate this deployment of a judge from another tier, I have agreed to an increase in the County Court judge complement. The funding for this is being found from within my Department pending the resolution of the impasse over the funding for the Stormont House Agreement.

Members will also be aware that a High Court judge has also recently been assigned by the Lord Chief Justice to deal with the new inquest to be held into the death of Pearse Jordan in accordance with the recent Court of Appeal judgement. This will also have additional costs for the DOJ for a replacement judge to take over other High Court functions.

Mrs D Kelly: Will the Minister give way?

Mr Ford: I will.

Mrs D Kelly: In particular in these cases, and, as your party colleague, Mr Dickson, referred to, there is an onus on the British Government, which were found guilty by a European court in relation to the delays of those inquests. So, should that not be additional money, over and above, and not be a burden on the DOJ? The British Government are very much in the dock in relation to both the delays and the cost implications of these inquests.

Mr Ford: I certainly thank Mrs Kelly for that intervention. I would like to have her with me when I meet DFP officials to communicate views to the Treasury. The unfortunate reality seems to be that for issues that are now our responsibility we do not obtain additional funding; though she correctly highlights that the UK Government, as the state party, is the responsible body that has to report on the undertakings given previously and deal with the previous findings of inadequate processes. Sadly, the funding does not seem to follow the responsibilities that have now been passed on to us.

1.00 pm

In addition to those references to an additional County Court judge and, in the first occasion, of a High Court Judge undertaking the Jordan inquest, I have separately asked the Lord Chief Justice to exercise his statutory powers, which were highlighted by Mr Lynch, under section 6(2) of the Coroners Act (Northern Ireland) 1959 to appoint temporary additional coroners for the next few months to cover illness of existing coroners.

Arrangements are also under way to recruit two investigating officers to provide advice and guidance to the coroners on appropriate and effective investigative opportunities and to conduct inquiries and investigations as directed by the coroners. This important development will support preparation for the holding of inquests in a manner compliant with article 2 — a further cost. The coroners are also supported by independent legal counsel. The Northern Ireland Courts and Tribunals Service launched a scheme to refresh the panel of counsel on 11 September with a closing date of 16 October 2015. I expect successful candidates to be in post by 30 November, subject to security clearance.

Some Members are clearly well aware that the Courts and Tribunals Service recently reviewed the operation of the Coroners Service. The aim was to provide resilience in the service and to contribute to the development and implementation of arrangements for the processing of legacy inquests within the context of the Stormont House Agreement. A report with 13 recommendations has been agreed following consultation with the Lord Chief Justice and other key stakeholders. I believe that a number of the recommendations will have a positive impact on the Coroners Service and, in particular, the problem of inquest delay.

The most relevant recommendations include that the Coroners Service review listing procedures to ensure that inquests are held at the earliest possible date, agreeing time frames with interested parties for submission of statements and reducing the number of adjournments. It will also review performance targets with a view to including targets in relation to completing investigations and holding inquests, and to implementing a monitoring mechanism of charter standards to ensure compliance. The Coroners Service will produce an annual report to the president of the Coroners Court to drive standards, challenge delay and improve consistency of approach, and it will revise current case allocation and management arrangements to ensure that the workload is evenly spread amongst coroners and that a consistent service is delivered to

bereaved families. The Northern Ireland Courts and Tribunals Service has also appointed a senior manager to support the coroners in managing the service.

Separately, discussions are taking place to confirm the timing by which the Lord Chief Justice will assume the presidency of the Coroners' Courts as legislated for by this Assembly under the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014. The point was made that the Lord Chief Justice has concerns about assuming that presidency given the current difficulties, and those discussions are continuing, to ensure that we maximise the resilience of the Coroners Service in order to enable the Lord Chief Justice to take the lead. Such a move would then bring the Coroners' Courts into line with the other courts in Northern Ireland by confirming that statutory leadership role on the Lord Chief Justice. As president, he will have power to designate a presiding judge for the Coroners' Courts.

A judicial-led assessment of the state of readiness of the 55 outstanding legacy inquests is under way. Members will recall that many of those 55 outstanding inquests relate to inquests that the Attorney General has directed be reopened in recent years. Progress will be subject to the allocation of funding in the context of the implementation of the Stormont House Agreement.

I hope that Members will appreciate that much work has already been carried out towards the enhancement of the Coroners Service, although, clearly, more still needs to be done to put these plans into action. However, as I said before, progress in dealing with the past, including the further enhancement of the Coroners Service and legacy inquest process, can only be made in the context of the full implementation of the Stormont House Agreement and the associated funding for which it provides. I am committed to ensuring that we deal with those outstanding issues from the Stormont House Agreement, but there is clearly much work being done, including work that I left at Stormont House this morning in order to come to this debate.

I believe that the new historical investigations unit to be established by the agreement will create the opportunity to make a real difference in progressing those legacy cases. I make the point, because it has been made by others in this Chamber, that I personally believe there would have been a strong case for incorporating legacy inquests within a separate strand of the historical investigations unit. I do not believe that the current arrangements for

inquests are very good at meeting the needs of bereaved families in those legacy inquests.

They are designed to meet the needs of relatively current cases — things such as hospital misadventure, road traffic collisions and accidents at work. The issue of addressing very significant and complex cases from many years ago is not one that is easily dealt with under the current arrangements. Although a similar point was made by the Lord Chief Justice last year, so far there has not been agreement. Therefore, we have to seek to manage the Coroners Service as best we can.

I make the point that, in discussing the case of the Jordan inquest last year, the Lord Chief Justice said:

"It is not the function of this court to determine how the United Kingdom should honour its Article 2 investigatory obligations ... There are models within this jurisdiction, such as the Historical Institutional Abuse Inquiry, which might provide the basis for an effective solution. It would be possible to have all of the legacy cases taken out of the inquest system and all of them considered in a time bound inquiry."

I remind Members that that was the view of the Lord Chief Justice, whom we are seeking to assume the presidency of the Coroners' Court in the near future. He saw that there were differences.

Other points have been made. For example, I have corresponded with the Secretary of State and asked her to make the point to the Secretary of State for Defence about the need to ensure that military witnesses are forthcoming in those cases in which there is military involvement. It is not therefore simply a matter of sitting waiting; rather, it is a matter on which there has been strong action taken in DOJ.

Mr A Maginness: I am grateful to the Minister for giving way.

The Minister touches on a very important point about legacy inquests and other investigations into the deaths of people during the Troubles, and that is the level of disclosure made available by state agencies; for example, the Ministry of Defence and the PSNI. Is the Minister aware of the necessity for the state to cooperate fully and to give full disclosure so that those inquests can be effectively and properly investigated, resulting in, at the end of

the day, a verdict or a conclusion that is satisfactory to the bereaved families?

Mr Ford: I thank the Mr Maginness for that point. He is, of course, well aware that there are issues of national security that are way beyond my pay scale in determination and that there will at times be issues, but I certainly believe that there is an obligation on all those state agencies that were involved — principally the Ministry of Defence in a number of the cases that require legacy inquests — to give as much information as possible and to do all that they can to ensure that individual military witnesses are made available. I made that point in correspondence with the Secretary of State, which she passed on to her colleague in the Ministry of Defence for me.

There are going to be issues outstanding that are not for the justice system in Northern Ireland simply about resourcing; rather, they are about the implementation of the Stormont House Agreement to its fullest extent. I certainly take the points that were made from my left by the two Ulster Unionist contributors that there are other bodies that have perhaps not always been fullest in the disclosure that they have given on the role that individuals may have performed in the past either.

I believe that we have put a number of changes in place. Even though it was not possible to get agreement on establishing a separate strand of the HIU, those changes will ensure that, by undertaking independent article 2-compliant investigations into all the outstanding Troubles-related deaths, the HIU can draw on solid investigations in any future legacy inquests. That should ease the burden on coroners in conducting complex inquiries.

I look forward to continuing our work together to ensure that the best operating model for the Coroners Service is created for the future so that we can provide the inquests to which bereaved families are entitled, whatever the circumstances of the death of their loved one.

Mr McCartney: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank everyone who took part in today's debate. Mo mhíle buíochas daoibh go léir.

When we framed the motion, we tried to do so in a factual and straightforward way to give us a snapshot of the current situation.

It was not designed to be politically sensitive or to allow people to feel that in some way we were being pejorative around the issue. It is an

issue that needs addressed. Alban Maginness acknowledged that when he spoke. I was a little bit disappointed when Mrs Kelly said that Sinn Féin should expect some measure of retaliation. I do not think that was the spirit of the debate. Everybody is entitled to frame their response in a particular way, but I think that Stewart Dickson was right when he said that at the core of it are families who are seeking the truth and seeking redress. I think that we all accept that the current system has failed them. In particular, there have been obstacles in relation to the Coroners' Courts, and now we see that there is an issue around the resource. I think that, if the debate had been properly approached, perhaps we would have had a better outcome.

As I said, the retirement of John Leckey has, in some respects, brought it into the public domain recently. In his public commentary over a long number of years, he has certainly pointed out the failings and directed us towards where we should be going. At the core of it, we always have to remember that — it is part of the public concern — as, I think, Stewart Dickson, the Minister himself, and indeed Mrs Kelly accepted, since May 2001, the British Government have consistently failed in their obligations, and in particular were found to be in breach of article 2 in terms of procedural investigation obligations, which, in effect, were to have independent, effective and prompt investigations — particularly because of the responsibility of the British Government — into state killings.

Sometimes when people talk about attempts to rewrite history, I think what they are actually saying — perhaps they do not mean it — is that they are putting obstacles in the way of due process. I do not think that any of us should do that. Let us remind ourselves what actually happened and what the court findings were. Those investigations were deemed not to be independent. There was a failure by the RUC, which was the policing structure at that time, to properly investigate collusion between the RUC and unionist paramilitaries. Lest anybody thinks that that is an attempt to rewrite history or that republicans are the people who rewrite history when they state that, it has been stated by the British Prime Minister, David Cameron, because he has a recognition.

People talk about rewriting history. At a particular time in history, the records were falsified, so the families have found themselves left, sometimes on their own, to find all the avenues open to them. Sometimes many of them were closed down, but they have found a useful, practical and appropriate way, through

the inquests, to ensure that the truth came out. So, in a sense, David Cameron would not have been put in the position where he had to accept that there was collusion between British state forces and unionist paramilitaries. He had to apologise on behalf of what he called his Government. That is not an attempt to rewrite history. What it was doing was putting history down as it should have been. It was falsified at a particular time.

One of the other failings was in the role of the DPP to actually prosecute where evidence was clearly present. The DPP failed at that time. All in all, there were serious and very deliberate flaws within the coroner system. That is where the responsibility lies. Again, Stewart Dickson, and, indeed, the Minister, talked about the role of the British Government, and we do not disagree with any of that; but, with the transfer of justice and policing to the Assembly, the Assembly has the capability to address the concerns of those families in the pursuit of truth and justice. Indeed, the Culture, Arts and Leisure Minister showed how it could be done in terms of the Public Record Office. There were attempts, particularly from the NIO, to prevent her from disclosing what were, in essence, public documents, redacted at various stages because of the processes that took place. There were those within the system who did not want the system to work. That is what we are out to try to address.

We are supportive. The Minister spoke today about the number of measures that he has taken to ensure that there are proper resources, and he will find that we are supportive of him.

In the system at present, there are some 53 legacy inquests. In case there is any doubt — Ross Hussey mentioned it — that includes the Kingsmills killings, and an inquest has to take place on that. In that inquest, families will be seeking the truth, which is what the process should be about. However, some inquests stretch back over 40 years, so, at the core, there are a number of very damning indictments. If we are to take this forward, we have to do so in a way that addresses the concerns of those families.

1.15 pm

The Minister referred to an attempt by some, perhaps during the Stormont House talks or as far back as the Haass talks, to remove inquests as a vehicle for bringing about truth and justice. Our party opposed that, as did many of the families. Any analysis that tries not to allow the Coroners' Court to do this is flawed. We have

to create the circumstances in which proper resources and mechanisms are in place.

I will address some of the issues that the Minister raised. Three full-time coroners are in place, but that has not addressed the problem. It is compounded by the fact that Mr Leckey announced that he is retiring, and this is where public concern comes in. Many people, including legal practitioners, families and observers, have said that the process should have started once he made his announcement. We would then have had a smoother transition from a retirement to a full-time appointment, which is what would happen in other situations. If it were a chief executive in a health trust or somewhere else, people do not like an absence or someone being in an acting position; they want continuity and for things to move on. Two of the full-time coroners are on sick leave, and that has an impact. One wishes them well and a speedy recovery, but none of us can predict when they will be back in post. Anybody who is trying to organise the system has to contend with that as they try to allocate resources and court time. A number of investigators are missing from the system, which, given the nature of some inquests, is accepted. That creates a delay and a backlog. It pushes families down the list, so they raise concerns, and that is what we need to address.

Last week in Committee, we had a document that was going to the Council of Ministers — the Council keeps an eye on article 2 considerations — saying that the Lord Chief Justice would be in place on 1 November, but he will not be in place. We were told that the document had to be rewritten and that a new document is being sent. That is where public concern comes in. Some say that the Lord Chief Justice has said that it is an issue about political will. Those of us in political life have to address that. Underlying that is a sense that the necessary resource to do this effectively and meaningfully is not there. It is the role of those of us in political life to ensure that the resources are there. If we are telling families that they have the right to the truth but that the system that we put in place does not have the resources, they, quite rightly, will make up their own minds.

In tabling the motion, it was our intention to bring into the public domain, through the Assembly, the concerns of families and those in the legal profession about the way in which the Coroners' Court is being resourced. We welcome some of the measures that the Minister has put in place. He will know from the Committee that we are supportive of his

attempts to bring in the proper resources. That was the intention of today's debate.

Question put and agreed to.

Resolved:

That this Assembly notes the concerns raised publicly around the impending retirement of the senior coroner without a replacement in place; and calls on the Minister of Justice to provide the resources necessary to ensure that our coronial system works in an effective and timely manner.

Cancer Services

Mr Principal Deputy Speaker: The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

Mrs Dobson: I beg to move

That this Assembly notes the absolute importance of timely diagnosis and treatment of cancer, as any unnecessary delays can result in a reduced likelihood of a successful outcome; accepts that cancer targets are set with established medical evidence; further notes that, whilst Northern Ireland has become a world leader in cancer research, local waiting times across a range of specialisms have deteriorated to unacceptable levels; and calls on the Minister of Health, Social Services and Public Safety to ensure that cancer services are adequately organised, funded and resourced to ensure patient safety is not further compromised.

I welcome the opportunity to open today's debate on this incredibly important issue. From the outset, I express my anger and deep sense of frustration that the Minister has again decided that the political desires of his party are more important than the health of our people. How dare he. How dare he treat with such contempt the Assembly and, more importantly, local people with cancer and everyone else who is facing delays. Aside from whatever games he and his party are playing, I have no doubt that they will come to regret that approach as the problems across our health service continue to deepen, and more and more innocent people come to harm as a result of their insolence. No matter how long Mr Hamilton's political career

lasts, I suspect that these days and weeks will define it for many.

There are few issues as emotive or as much of a touchstone as how the health service responds to the needs of people who have been given a cancer diagnosis. Cancer is a vicious disease and its impact is indiscriminate: it affects the old, the young, the healthy and the vulnerable. No other word strikes fear into the hearts of families in the way that cancer does.

I dedicate my comments to Anna May Evans, a lady whom I never got to know, who died of cancer at the age of 41. I was two years old and my sister was a baby when our young mum of 21 was left with not only two young daughters but five brothers and sisters to look after. As a result of cancer, I was not able to know and love my grandmother. I know that I am not alone in the Chamber or outside the Building in being a member of a family ripped apart by cancer. However, there have been many wonderful medical advances since then, and being diagnosed with cancer need not be the death sentence that it was for my grandmother and those of her generation.

Until fairly recently, we were starting to look more optimistically at the future. Media reports of revolutionary advances in cancer diagnoses and treatments have become commonplace. Often at the centre of those were experts from our academic institutions: Queen's University, for instance, became a world leader in research, and, earlier this year, scientists from Randox revealed their major development of a blood test to check for bowel cancer, a disease that kills hundreds of local people every year. The future looked positive, with advances in cancer treatment seemingly guaranteed and a service that was world leading, once you got through the door. I know that those experts are still in place and still trailblazing with their discoveries and work, but the outlook for people diagnosed with cancer now could be worse than it was only a couple of years ago. Saying that in 2015 is, I feel, absolutely shocking.

There is no starker signal of this than what is contained in the Department's 2015-16 commissioning plan, which is still in draft form for a year that we are well over halfway through. It contains a multitude of warnings. However, the one that strikes me most is that spiralling waiting times could lead to severely delayed diagnoses of life-threatening illnesses, with suspected bowel cancer patients particularly at risk. That is in addition to the higher-level warning that increased waiting times for assessment may result in a delayed diagnosis of a serious or life-threatening

condition with a reduced likelihood of a successful outcome.

There, in black and white, we have the health service, civil servants and an on-off Minister who should be in charge of it effectively admitting that people will lose their lives as a result of the current crisis.

The publication of the 'Northern Ireland Cancer Waiting Times' on 24 September further confirmed the scale of the problem. Target after target is being widely missed. For instance, in the most recent month for which figures are available — June 2015 — 347 patients commenced treatment following an urgent referral for suspected cancer. Of those, 241, or 69%, commenced their first treatment within 62 days. The target is 95%. Every one of the five health and social care trusts failed to meet the target in each of the last three months. Belfast achieved only 57% and the South Eastern Trust 61%. At the other end of the scale, the Western Trust managed to treat 88% within 62 days, yet that was still well behind the target.

There is a variance also in speed of treatment for individual types of cancer. Although I am glad that the target was met in April 2015 for patients diagnosed with breast cancer, fewer than 65% of patients diagnosed with lower gastrointestinal (GI) cancer commenced treatment within 62 days during April to June 2015. Most horrifying, however, is the fact that, of the overall 106 patients in June 2015 who had waited longer than 62 days for treatment, 31 were later diagnosed with urological cancer; 18 with lower GI cancer; 13 with head and neck cancer; 11 with skin cancer; 11 with lung cancer; eight with upper GI cancer; six with gynae cancer; and five with breast cancer. My heart goes out to every one of those people and their families. As we stand here today, we should take a moment to think about them, the treatments that they are undergoing and the suffering that each, in their own way, will be going through.

Our cancer wards can be the scenes of some miraculous recoveries, but they can also be places of profound physical and emotional suffering. Simon Hamilton, the Health and Social Care Board and each of the health and social care trusts must not for one moment forget how each of those 106 people has been failed. While an apology is the very least that they deserve, unfortunately for some, as a result of these delays, they will already have come to harm. That is not to mention the increase in stress, anxiety and worry across families, especially among elderly relatives

when younger family members are waiting. Of itself, 62 days — two months — is a long time to wait not knowing and worrying and breeding other health concerns, which puts further pressure on an already pressurised health service. Fear of the unknown is often the worst fear of all.

One of the key benchmark targets is that all urgent breast cancer referrals should be seen within 14 days. In June, 1,336 patients were seen by a breast cancer specialist for a first assessment following an urgent referral. However, only 81% were seen within 14 days, a significant fall from 94% in January. While some other trusts are meeting their targets in full, in Belfast only 27% of breast cancer sufferers were seen within 14 days. Given that Belfast is home to some of the best breast cancer facilities and personnel in Northern Ireland, I find it inexplicable that such a large-scale failure is happening. Lest people assume that it is a case of Belfast not being able to cope with its larger number of patients, in June the Northern Trust encountered the same number of patients and yet was able to meet the target in full. Is it a case that the crisis in other cancer types is leading to a bottleneck of cancer treatments in the Belfast area?

As was highlighted only last week by Dr Miriam McCarthy, a consultant with the Public Health Agency (PHA), we have a 14-day target for red-flag referrals for cancer. The fact that one in five of those urgent cases is not being seen in time is disgraceful, especially when breast cancer has one of the better outlooks if it is caught in time. Of those seen in June and who had to wait for more than 31 days, 13 had urological cancer. Let us remember that behind every admittance number or percentage is an individual patient with family and friends who is going through what may be the most difficult time of their life.

1.30 pm

Again, as was the case in the recent Ulster Unionist Party debate that focused on outpatient waiting times, the purpose of this motion is not to apportion blame or to make political points. Instead, it is about focusing the minds and dealing with the problem at hand. I have spoken about the absolute necessity for adequate numbers of specialist cancer nurses, for instance, but that is still not happening. Another key aspect is workforce training for GPs. Indeed, we had a call last week from Pancreatic Cancer UK, Action Cancer and Cancer Focus —

Mr Principal Deputy Speaker: I ask the Member to conclude her remarks.

Mrs Dobson: It is crystal clear that we need to help those people to get diagnosed right now. I will end with this question: is there anyone more vulnerable than the cancer patient who is spending weeks worrying while not receiving the treatment that their life so depends on?

Mr McKinney: I welcome the opportunity to participate in today's debate. I rise as SDLP health spokesperson in support of today's motion. Northern Ireland has long held a record of having some of the most advanced cancer treatment and research in the world. Throughout the last 10 to 15 years, the calibre and range of treatment has constantly been expanding, from the vision of the Campbell report in 1996 to the establishment of the cancer network in 2004 and the cancer centre in 2006. I am looking forward to the opening of the new radiography unit in Altnagelvin, which demonstrates a proactive approach to cross-border cancer care.

At the weekend, I was delighted to get a presentation about some of the aspects of cancer care in Derry. Added to those important developments is the fact that our dedicated staff, including consultants and specialist nurses, consistently provide a service that is second to none. They must be recognised and commended in the Chamber for their tireless efforts under intolerable pressures.

Northern Ireland has had a proud history in providing world-class cancer treatment and research, but the reputation is in jeopardy due to emerging holes in cancer provision. Only two weeks ago, I addressed that issue to raise concerns over elective care waiting lists, an issue that has now made global headlines. My views were reinforced, last week, by testimony from Nigel Edwards from the Nuffield Trust, who said that excessive waiting times may cost patients' lives. His comments are a stark reminder of the current service that we find in health here. For me, the failure to meet cancer treatment targets is yet another layer of the same problem, and that is unacceptable. It is another damning indictment of the empty Benches opposite, and of the empty ministerial chair opposite.

Cancer patients' lives are being put at risk, with hospitals continually breaching targets that were put in place to ensure speedier diagnosis and treatment in order to maximise patients' chances of survival. From April to June this year, only slightly less than 70% of patients with an urgent referral for suspected cancer began

treatment within 62 days. That is against an official ministerial target of 95%, but, of course, the Minister is not at his desk to focus on that statistic and the human stories behind it.

On top of this, breast cancer treatment targets are falling by the wayside. The percentage of women seen within the 14-day target after urgent referral has, worryingly, dropped from 94% to 81% in June this year alone.

Mrs D Kelly: Will the Member give way?

Mr McKinney: I will.

Mrs D Kelly: I thank the Member for highlighting some of the delays, but does he agree that the previous Minister Mr McGimpsey said in the House that the predicted rise in cancer across the island of Ireland for these years was somewhere around 27%, that the health service needed more money and that he was scoffed at by the DUP?

Mr McKinney: He was scoffed at.

Mr Principal Deputy Speaker: The Member has an extra minute.

Mr McKinney: Thank you, Mr Principal Deputy Speaker. Subsequent to that, we have had three Ministers, and not only the previous three Health Ministers but the Finance ministry have been with the DUP. So, it is not as if they have to argue with a party opposite or with someone they may have different views with. They only need to sit down with each other and attempt to deliver on some of this. I thank the Member for her intervention.

The reality of the situation that is facing these breast cancer patients is that, after urgent GP referral, women who warrant urgent diagnostic testing, such as a mammogram or needle biopsy, face delays in seeing a consultant, which could impact on survival rates. Where is the Minister on that issue?

Last week, we saw the Public Health Agency launch a campaign aimed at raising awareness of the signs and symptoms of breast cancer. This is a welcome move, but what action is being taken to increase capacity to facilitate an anticipated extra demand for services? It is against this backdrop that the Minister's absenteeism continues to be an issue of regional concern. His bleating in today's 'Belfast Telegraph' rings hollow given the extent to which this Chamber and the wider region is hearing concern among patients and the public over health service delivery.

Patients, the public and representative bodies, such as the Royal College of Nursing, all recognise the damage that this is causing. The Minister's only response has been to release £1.5 million of funding, dubbed by the media for NICE-approved cancer drugs. These are drugs that, under normal circumstances, would be routinely available here. What this decision does not address is the great inequality forced on cancer patients who are denied 40 life-extending cancer drugs. This is a huge gaping hole in the provision of cancer services here. There are also severe economic repercussions as a result. As the former Minister continues to stall the issue, Scotland, in comparison, has taken great strides in opening up access to cancer drugs through trialing and, in doing so, has bolstered its economy through incentivising its life science sector. It is now well on its way to doubling the value of the industry to £6.2 billion by 2020. In this context, a cancer centre of excellence would have a hugely positive economic impact here while, at the same time, developing cancer treatments.

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr McKinney: I will, Mr Principal Deputy Speaker. I will just reinforce the point that the Minister needs to be in his seat. Cancer patients and other patients are suffering, and the public is calling for action.

Mr McMullan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Members who brought this motion to the House today. I am coming at this from the perspective of the human side of cancer and the suffering that it brings to the individual, their family and their friends.

Cancer is one of the worst diseases to hit this community. It does not know any barriers at all. It affects the young and the old. It affects everybody, male and female. Whilst we should be doing more to try to stem the tide of this disease, we now have a Minister who is not only not at his desk but not even here. I hope that when he looks at this on television, he is sitting at his desk watching the debate and that, in a way, he feels happy with himself that, as he has already stated publicly, he is at his desk every day doing his job. Why is he not in here doing his job?

Mr McKinney: I thank the Member for giving way. Does he agree that perhaps there is a bit of a discrepancy here in that Mr Hamilton's public utterances suggest that he may be uncomfortable with what the DUP is doing and

that he is at odds, in fact, with his leadership in that regard?

Mr Principal Deputy Speaker: The Member has an extra minute.

Mr McMullan: I thank the Member for his intervention. That may be so. It is something that I will come to in a moment.

I say to the Minister to take his ministerial car and go to the City Hospital any day of the week. Go into the waiting room, where people from all over the Six Counties are in for treatment. There are people from Fermanagh, Enniskillen and all round who have to stay in Belfast during the week from Monday to Friday and wait for their half-hour treatment every day. They have to stay in Belfast for the rest of the day and go home on a Friday. Those people are sitting up there every week, and their families are at home. Children of four or five years of age are being wheeled in in wheelchairs for treatment. The elderly are coming in in wheelchairs. It would break your heart to see some of the people there.

Whilst that suffering goes on day and daily, we have people here playing footsie with the whole thing because of their political aspirations. This is not what the public wants. The public wants you to be sitting here doing something. This is not a political issue: it is a human issue.

I state that as a cancer patient myself. I am going through a five-year programme of treatment for my cancer. I know from my first-hand experience of seeing people's suffering when I go into the waiting room that those people are looking for hope. Families are there of husbands, mothers, brothers and sisters who are all getting treated.

While we do not have a Minister at his desk to give direction, waiting lists are getting longer. In some cases, people are waiting up to a year and a half after getting a referral from their GP. Consultants then have to go through the list and prioritise people.

We had the case in the Causeway Hospital last year in which biopsy results were sitting in the hospital but there were no consultants to give them out to patients. The mental strain on, and suffering of, those patients went on as they waited to know. They asked, "Do I or do I not have cancer? If I do have cancer, what treatment am I going to get? Am I going to get radiotherapy or chemotherapy or have an operation?" All that suffering is going on.

What we see now is not only politically corrupt but morally corrupt. If those people have any sense of morals at all, and some of them tell us that they are deeply religious, where are those morals and where is that religion today, when people out there are suffering and dying? Families are being decimated by the disease, and there is no one there to give leadership. If you cannot give leadership, step aside and let somebody else take the seat. I believe that there are people in the DUP who do not believe in the hokey-cokey kind of politics that the party is pursuing today. It may be something that you can sit and smile about, but I hope to God that the disease never hits your door, because you will not smile then, and you will hope that you have somebody there who will give direction and cut the waiting lists.

I work day and daily with people in my constituency of East Antrim to try to get them in after being referred by their GP, yet they are still waiting after six months. I am working to try to get their test results out after they have had their referral. That is going on, and it would break your heart. However, we are still seeing this depraved kind of politics from the party opposite. It is playing politics with people's lives. Shame on you. Don't ever hold your head up in public again and say that you are working for the people if the one thing that you cannot stand to do is to come in here today and show leadership to the people who are suffering from one of the worst diseases that they could have.

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr McMullan: Total shame on you. I support the motion.

Mr McCarthy: The Alliance Party fully supports the motion today and thanks its mover for bringing it to the Assembly. It really is disgusting that it has come to this. Many of our constituents are really at their wits' end because they have been diagnosed with cancer and are being denied early treatment. The Assembly, however, has in its power the ability to prevent all that suffering. I appeal to the absentee Health Minister to listen to the voice of the people and that of the Assembly and to get back to work and stop playing games with people's lives.

It is recognised that Northern Ireland is leading the way in cancer research and so on. We have the best brains and consultants, and real progress is being made. It is such a pity that patients suffering from breast cancer, lung

cancer, prostate cancer, pancreatic cancer, ovarian cancer, oesophagus cancer and so on are being denied treatment at an early date. Despite not being able to provide the early treatment that is required, the Health and Social Care Board tells us over and over again that early detection is a priority.

Headlines such as the ones that we saw in the press last week are absolutely staggering and unacceptable, but still our Health Minister stays away from the Assembly and, more importantly, his desk, where important, if not vital, decisions should be taken.

Last week, the Assembly discussed excessive waiting lists in general. This week, we are discussing excessive waiting lists for our cancer patients. It is no wonder that experienced voices from across the water have stated that, if there were such long waiting times in England, heads would roll.

Perhaps that is what is wrong here in Northern Ireland: no one accepts responsibility. The Minister leaves his post, the NHS continues to go down the tubes and no one is held accountable. What a shame.

1.45 pm

As has been said, cancer is a huge scourge on our society. All of us will have family members and friends who have suffered immensely or who have, indeed, passed away because of this terrible disease. As people live longer for many reasons, the risk and prevalence of cancer will become even greater. It is worth stressing that many cancers, if caught early enough, can be successfully managed or even eliminated. The deterioration in waiting times in general and specifically for cancer, really matters. It is something that has a very real impact on the quality of life, the well-being and the life chances of so many of our people.

The problems regarding cancer services are only one example of the crisis around waiting lists and the wider problems afflicting our health service. The Alliance Party fully accepts that there have been, and continue to be, many structural problems in the health service. With rising demands for services and pressure on public expenditure, the status quo is simply not sustainable. The Department and a succession of Ministers were supposed to be sorting all this out.

It is a sad reflection on that same Department that it could not even give a simple answer to a recent request from the Health Committee for

an update on the implementation of the 99 recommendations contained in the Transforming Your Care document. We do not know what progress, if any, is being made on Transforming Your Care. There has been a succession of reports. Indeed, at one stage, I said that there were reports and reviews coming out of our ears. Yet, we continue to have the ongoing problems.

While the present problems in the health service predate the welfare reform impasse, the current political deadlock is undermining the ability of the Executive to invest money in sorting out problems, even on a short-term basis. It is unfortunate that money is being handed back in welfare penalties that could be directed into the health service. There has not been any monitoring round recently; there was a request from the Department for £98 million from the June monitoring round, but not one penny has been redistributed, and we continue to have waiting lists and patients waiting for treatment.

Even if the money is found —

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr McCarthy: — the opportunities to spend it are, effectively, diminishing the longer that time goes on. I appeal to the Health Minister to get back to his work, sort out the problem and do what he is supposed to do, which is to look after the patients of Northern Ireland.

Mr Rogers: I welcome the opportunity to contribute to this debate on a very important issue. It is something that I feel very passionate about because, like Mr McMullan, I am a cancer survivor. I was diagnosed 10 years ago, and after surgery and intensive treatment, I made a good recovery. I would like to pay tribute to all those involved in developing cancer services here since 1990. Quite simply, I owe my life to the health professionals at a local level in Daisy Hill Hospital, Craigavon Area Hospital and the cancer centre.

Northern Ireland has gained a good reputation for treating cancer and developing the drugs and treatments that help to pioneer the fight against this age-old disease. The drugs research industry here, evidenced by the work of Queen's University and Almac, among others, provides hope and example for those who are suffering from cancer and for their families. The rapid development of cancer services that characterised the 1990s and the early 2000s here has stalled somewhat in

recent years. If we look at cancer waiting times statistics and comparisons from this year, we see that the percentage of patients first treated for cancer within 62 days following an urgent GP referral for suspect cancer decreased from 77% to 69% in June 2015.

Many other people have quoted statistics, and there are lots out there. Three years ago, 100% of breast cancer patients were seen within two weeks of an urgent referral. By March 2015, this figure had fallen to 53%. That paints a picture of not just a momentary lapse in waiting times, perhaps caused by an immediate factor, but a gradual slippage over the previous few years that is extremely worrying.

We know, of course, that the problems with cancer waiting times are merely symptomatic of a wider and more severe crisis in waiting times across our health service. As my colleague Mr McKinney pointed out last week, Nigel Edwards from the Nuffield Trust injected a dose of reality into the situation here on waiting times. It is one thing to meet a target for 60-something days; it is another thing entirely to put patients' lives at risk. Our health service is in disarray. I agree with Mr McKinney's assessment that the figures on cancer waiting times are but another layer of dysfunction in our health service.

It is most unfortunate that, during the most acute crisis in waiting times for quite a while, we do not have a Minister to lead and direct. In fact, we learned recently that the Health Minister resigned four times in the past three weeks. The Minister announced £1.5 million for NICE-approved cancer drugs when he was recently in office. That is further proof of the positive impact that he can have when he is in post. Unfortunately, that only highlighted the severity of the problem here for cancer drugs. The extra money allocated was for routine drugs. We should not need an announcement of extra money to solidify access to those drugs. We, among others, have been involved in the Equal Access campaign for Northern Ireland. Some 40 drugs that are proven to help to ease the suffering of those with cancer are available in the rest of the UK but not here. That is a fundamental inequality that remains unaddressed without a Minister. We have a strong tradition of evaluating and readjusting cancer services for the betterment of our people, and it is clear that much more is needed now. The Minister needs to get back in post. We need to do something urgently to address swelling waiting lists and to keep the quality of cancer services high and to keep them prompt.

Bear in mind the statistic that, every day, 25 people in Northern Ireland are told that they have cancer. Believe me, you feel your life disintegrating before you when you get that news. Cancer need not be a death sentence. I am a living testimony, as are others, that it can be treated, but you cannot have delays when it comes to treating cancer. Time is of the essence. Minister, cast aside the politics and think of your cancer patients.

Mr Beggs: I also support the motion. I want to highlight the importance of early diagnosis, which is vital in improving outcomes for cancer patients. When I researched the issue, I had a look at Cancer Research UK's website, where there is a great explanation that shows that, if cancer is diagnosed at an early stage before it has a chance of getting too big or spreading, it is more likely to be treated successfully. If the cancer has spread, treatment becomes more difficult, and, generally, a person's chances of survival are much lower.

The hard statistics on a variety of cancers make it very apparent that that is the case. Nine in 10 bowel cancer patients will survive the disease for more than five years if diagnosed at the earliest stage. If diagnosed at a very late stage, the percentage is around 15% for breast cancer compared with 90% for those who are diagnosed earlier. For ovarian cancer, 90% of women diagnosed at the earliest stage survive their disease for at least five years compared with 5% for those diagnosed at a more advanced stage. Similarly, 70% of lung cancer patients who are diagnosed early will survive for at least a year, whilst only 15% of those diagnosed at a later stage will. The statistics clearly show that early diagnosis is vital.

Why is there late diagnosis? It can be that patients are not aware, and we need to increase knowledge throughout the community. I thank CLIC Sargent and Mid and East Antrim Borough Council for their recent campaign of lighting up in gold Smiley Buildings in Larne, Carrick Castle and the Braid Museum and Arts Centre in Ballymena to highlight to the community the importance of early awareness of childhood cancer.

Some people are diagnosed later because they are so worried about it that they do not seek help as soon as they should. What happens when they do go? Regrettably, there are unacceptable delays when GPs refer patients for tests and treatment and further delays when a hospital appointment is required. Look at the statistics for those treated within 62 days of urgent referral — that is when a GP suspects cancer or there is significant evidence pointing

to the need for a referral to a cancer specialist. In June, we found that only 69.5% —

Mr McMullan: I thank the Member for giving way. Does he agree that east Antrim has the highest figures for prostate cancer and that Causeway Coast and Glens, the council area on the other side of the coast, has one of the highest figures for pancreatic cancer?

Mr Principal Deputy Speaker: The Member has an extra minute.

Mr Beggs: I thank the Member for highlighting that issue. It is important that people are aware of the risks that exist, and I accept what he is saying.

In June, we heard that only 69.5% of patients were referred within 62 days, and that was down from an earlier figure of 81.4%. It is vital that patients get an early diagnosis and start on the path to treatment and recovery and to improving their chances and outcomes.

Other Members referred to breast cancer, and it is particularly important that these patients are seen earlier. We have to remember that individual patients and families are suffering while waiting for a final diagnosis or treatment. There has been a poor outcome there, too: frankly, in such instances, we would expect all patients to be referred within the 14-day time frame.

I looked at some of the statistics in my area. In the Northern Trust, only about two thirds of patients see a consultant for treatment within 62 days of having been referred for urgent treatment by a GP. It is one of the areas where there is particular need for improvement. The Belfast Trust has poor figures, and there are also poor figures for the Southern Trust. Generally, Northern Ireland is at about 72.3% against a target of 95%. That is way below the target, and, unfortunately, the trend in that area has not been good. Whilst there are increasingly better results for treatments —

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr Beggs: — and better outcomes, the long-term trend for cancer is upward.

Mr Principal Deputy Speaker: As Question Time begins at 2.00 pm, I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member to speak will be Ms Rosie McCorley.

(Mr Speaker in the Chair)

Oral Answers to Questions

Office of the First Minister and deputy First Minister

Flags: Public Spaces

1. **Mr B McCrea** asked the First Minister and deputy First Minister to outline their departmental remit in relation to the flying of flags in public spaces. (AQO 8768/11-16)

Mr M McGuinness (The deputy First Minister): The flags protocol was established in April 2005 by OFMDFM in partnership with the PSNI, the Department for Social Development, Roads Service in the Department for Regional Development, the Department of the Environment's Planning Service and the Housing Executive to establish clear working relationships and an agreed partnership approach between agencies with responsibilities related to the flying of flags.

2.00 pm

A review of the flags protocol was due to commence in 2009 but was postponed pending the review of the good relations policy. A flags protocol working group was reconvened in December 2011 with a view to bringing forward recommendations on a revised approach to dealing with issues around flags and emblems. A draft discussion paper was produced and shared with the good relations strategy cross-party working group. However, that work did not progress any further whilst the all-party talks chaired by Richard Haass considered and made recommendations on matters including flags.

The Stormont House Agreement, published in December 2014, commits to establishing a commission that will examine a number of areas, including flags, identity, culture and tradition. The commission will produce a report after a period of 18 months. Together: Building a United Community commits to establishing a range of thematic subgroups under the auspices of the ministerial panel to support implementation and take forward actions on the strategic priorities arising from the strategy, one of which is to examine the issue of flags. We are considering options on the establishment of the flags thematic subgroup to ensure that there is no duplication between the work of the

subgroup and the remit of the commission on flags, identity, culture and tradition.

Mr B McCrea: I thank the deputy First Minister for his answer. It has obviously been in the works for quite some time. Is he aware of the Northern Ireland life and times survey that showed that 27% of people are annoyed by republican murals and flags and 32% of the population are annoyed by loyalist flags? Would he consider the introduction of legislation to clarify the law on this matter? Would he perhaps consider some form of licensing to make sure that those who put up such emblems are known to society and take care to fly them properly?

Mr M McGuinness: First, I am not aware of the life and times survey in relation to flags, but none of that would surprise me. I always wonder about the accuracy of some of these surveys, but the reality, as we know, is that this is a vexed issue going back many decades, and a resolution needs to be found. Thus far, collectively, we have failed to find a resolution. There is a huge responsibility now, particularly in the context of the ongoing discussions, to find a way forward that meets the approval of all the parties in the House.

Flaunting flags, whether British national flags or Irish national flags, in people's faces for provocative reasons is very unpalatable. It is not grown-up. We need to get to a situation where we recognise the need for maturity in how we deal with each other with dignity and respect in our community. The challenge for the commission that I referred to in my initial answer is to come up with ideas, proposals and suggestions that will, I hope, find favour among the political parties so that, at long last and after far too long, we find a solution. If we did find a solution, I think that it would have overwhelming support among all sensible people in our society who are clearly fed up with the antics of those who try to use national emblems for provocative purposes.

Mr Milne: Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas don Aire as a fhreagraí go dtí seo. Can the Minister provide an even more in-depth update on where the Stormont House Agreement commitment to establish a commission on flags, identity, culture and tradition currently sits?

Mr M McGuinness: The form and constitution of the commission is being progressed and agreed, as I said, through the Stormont House Agreement implementation group. The membership of the group includes the main

political party leaders. The remit of the commission focuses on flags and emblems and, as required, broader issues of identity, culture and tradition and seeks to identify maximum consensus on their application. In its work, it is guided by the principles of the existing agreements, including parity of esteem. As I said in my main answer, the commission will produce a report within 18 months of being established. It will consist of 15 members, seven of whom will be nominees appointed by the leaders of the parties in the Executive, and the remaining eight members will be drawn from outside of government. I know that this represents us getting agreement in the ongoing talks. That will be another delay of something like 18 months, but if that 18 months can be utilised to find a solution, it will be well worth the exercise.

In the meantime, there is a huge responsibility on everybody in society to recognise that they should not be involved in provocative behaviour of any description. That includes everybody. I do not single out any particular tradition. I think that we all have a duty and responsibility to ensure that there is peace on our streets and that we are contributing in a very mature fashion to face up to a vital discussion around the whole issue of flags, symbols and identity and about how the traditions of all sides can be respected.

Ms Hanna: Does the Minister agree that the flags protocol has been largely abandoned in some places, with flags proliferating, including paramilitary flags, especially on arterial routes in very integrated areas of south Belfast? Does he agree that the rule of law should prevail and that those flags should be removed?

Mr M McGuinness: I absolutely agree on both counts. At the same time, I think that we all know the challenges and difficulties that there have been in recent times, with people being unwilling to fulfil their responsibilities to keep law and order on the streets in relation to the flying of provocative symbols. I think that the best hope for a solution, in the absence of anybody taking up the challenge and grasping the nettle in relation to those provocative emblems, is to find a solution through the establishment of this commission. It is ridiculous that, in this day and age, we have a scenario where the emblems of paramilitary organisations are up on lamp posts alongside national emblems. Quite clearly, the people who do that are still living in the past and have some warped notion that the overwhelming majority of the people of the tradition that they come from support this. I do not believe that they do.

Mr Lunn: In relation to Mr McCrea's original question, I accept that the deputy First Minister may not recognise the figures that he quoted, but it is fair to point out that his Department uses the life and times survey for its good relations indicators.

Does he agree that all this leaves the police in an impossible situation in trying to enforce whatever regulation or law there is and that the early imposition of a regulatory regime might be the way forward rather than endless thematic discussions and commissions?

Mr M McGuinness: My understanding was that the Alliance Party signed up to the commission. So I hope that that contribution does not represent a divergence of opinion from party policy. This is a vexed issue, and it is difficult for individual Departments or even the police to deal with these issues in isolation. Although, I cannot understand for one minute why, when paramilitary emblems are being put up in a very provocative way in areas, the police do not enforce the powers and laws they have to take them down. At the same time, the greatest failure here rests with the politicians — all of us — because we have failed thus far to find a way forward. That is the challenge for us over the next while.

The outcome of the commission might not amount to a hill of beans, but we have to give citizens in society an opportunity to have a mature debate about where we are going and how we need to respect each other and each other's traditions, but to do so in a way that is not flagrantly provocative and is not breaking the law.

Pensioners' Parliament: OFMDFM Support

2. **Mr Lyttle** asked the First Minister and deputy First Minister to outline the support they provide to the Northern Ireland Pensioners' Parliament. (AQO 8769/11-16)

Mr M McGuinness: With your permission, Mr Speaker, I ask junior Minister McCann to answer that question.

Ms J McCann (Junior Minister, Office of the First Minister and deputy First Minister): We believe that it is vital that the voices, views and experiences of older people are heard and taken into account by government in the designing, delivering, monitoring and implementation of all strategies, policies, legislation and services which impact on the lives of older people. Engagement with the

Pensioners' Parliament is a vital way in which Ministers and officials can discover older people's precise needs in relation to the range of services provided by government and its arm's-length bodies.

Former junior Ministers Bell and McIlveen and I have regularly been involved in sessions of the Pensioners' Parliament since its launch in 2011. Former junior Minister McIlveen and I spoke at the Pensioners' Parliament in Belfast on 28 May this year and, in addition, I spoke at the Pensioners' Parliament in December of last year that was held in Parliament Buildings. The then junior Minister Bell and I launched the public consultation on the draft active ageing strategy at the Belfast Pensioners' Parliament earlier last year and we spoke at, and held a session at, the Pensioners' Parliament in 2013 to seek views on the proposed signature programmes contained in the draft active ageing strategy.

We are fully supportive of the work of the Pensioners' Parliament, as our engagement with it shows. In terms of financial support, the Department has received a proposal from the Age Sector Platform for the Department to joint-fund the Pensioners' Parliament with Atlantic Philanthropies for the next two years, and this proposal is currently under consideration.

Mr Lyttle: I thank the junior Minister for her answer and welcome the support that she has given to the Pensioners' Parliament. I think that it is an exemplary forum in Northern Ireland, and I credit everyone who is involved with it. I welcome the priority that she has given to the health and well-being of older people in our community. Can the junior Minister provide an update in relation to progress on the active ageing strategy and, indeed, age discrimination legislation?

Ms J McCann: The consultation on the active ageing strategy has taken place, as you know, and it is ready to go to the Executive for approval. We worked very closely with the advisory group on the strategy and the Commissioner for Older People. The responses to the consultation on the age goods, facilities and services (GFS) legislation are currently being processed. The consultation actually does not finish until 8 October, which is this week. Obviously, we will look very carefully at what people have said when the responses come back. Once the responses to the consultation have been assessed, we will look at how to take that forward and make our response.

Social Investment Fund: Applications

3. **Ms Maeve McLaughlin** asked the First Minister and deputy First Minister for an update on applications to the social investment fund. (AQO 8770/11-16)

Mr M McGuinness: During its area planning process, the social investment fund (SIF) focused on the development and prioritisation of projects to address local needs, through which nine SIF steering groups chose 55 projects to fit within the fund's affordability limit. Delivery is now well under way.

Currently, 42 projects with associated costs of around £58 million are progressing. They include the three capital refurbishment projects, worth £4.4 million, which we announced last week for Belfast north and Derry. One of these, the Derry pitches project, will refurbish community sports facilities at Brandywell, Leafair, and Corrody Road in the Foyle constituency.

Nine revenue projects are up and running in the Derry, Belfast south, Belfast west, Belfast north, south-eastern, southern and western SIF zones. Five are designed to provide training and work placements targeted at the long-term unemployed. All are recruiting their first participants. Derry's Foyle Community Work Programme has filled 34 of its 100 places. The four remaining projects are designed to support families and young people. A further revenue project, due to start in the northern zone in late October, will bring the total number of projects to 10.

SIF capital projects are also progressing. One, Coleraine's Causeway Rural and Urban Networks charity hub, opened in September and two others — the Bryson Street Surgery and the Best of the East, in the Belfast east zone — should also complete before the end of the year. A further 14 capital projects are either at the stage of design-team or construction-team procurement. We anticipate that they will begin work later this year or early next year.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for his answer to that, and I welcome the good news for Derry in relation to this.

Can the deputy First Minister update us specifically on the pitches project for Derry, which will help redevelop the Brandywell Stadium?

2.15 pm

Mr M McGuinness: The £80 million social investment fund aims to improve social conditions and encourage economic growth in certain areas where there is poverty, unemployment and dereliction. The sum of £2.8 million has been awarded under the SIF to the Derry pitches project. That funding will support delivery of improvements at three sports venues in the north-west. It will contribute to phase 1 of the Brandywell Stadium redevelopment, which includes a new 3G pitch surface and the replacement of the existing stand. At Leafair pitch, a new pavilion comprising changing facilities and community rooms will be developed. A new full-size turf GAA playing pitch will be developed at Corrody Road.

I know that that is particularly good news for the Brandywell and for football in general in the Derry area, and certainly for Derry City Football Club. I remember going to the Brandywell as a six- or seven-year old to support Derry City. The side of the ground that is going to be transformed looks the same now as it did when I was six or seven years of age. Therefore, the demolition of the Glentoran Stand — called "Glentoran" because it was donated by Glentoran to Derry City — is a badly needed project. There has always been a very close relationship between officials at Glentoran and Derry City. That stand is now in the process of being demolished. We are going to see the Brandywell football pitch transformed over the next short while, and that is good news, not just for local sports and football fans in the area, but it is a good regeneration project for the Brandywell area.

Mrs Overend: Can the deputy First Minister provide a progress update on the projects from the social investment fund in Mid Ulster? Can he also tell us when he expects all the money to be spent from the fund, given that £79 million out of the £80 million is as yet unspent?

Mr M McGuinness: The projects are now clearly under way, in what is a very important step change in recent times. In the context of moving forward on all those issues, we have seen a situation develop in which, because of the responsibility that Departments have and the responsibility that the steering groups have in particular zones, we had a duty and responsibility to make sure that money was being spent properly on projects that were going to enhance the lives of people in local communities.

I remember that, at the beginning of this process, one particular party in the Assembly described SIF as a "slush fund for paramilitary types". That has now been proven to be total and absolute nonsense. The different steering groups in the individual zones, including those in Mid Ulster, are now focused on providing projects that improve the lives of citizens and enrich their lives in a very powerful way.

I will write to the Member about the individual progress that has been made. It would take me too long to go through the Mid Ulster projects. All of them are now effectively at a very advanced stage, and I think that great progress has been made generally throughout.

Mrs D Kelly: Like the previous questioner, Mrs Overend, I am very concerned about expenditure delays. Can the deputy First Minister give us some assurances around the evaluation of the projects, given the failures that have happened in establishing and delivering them? Will that evaluation include detail on the number of jobs created, the number of people lifted out of poverty, the additional community cohesion and, indeed, the amount of money spent on consultants?

Mr M McGuinness: As in all such situations — this was a new project that we embraced — there will have to be an evaluation of the progress made and also a very serious look taken at the downside to its implementation. It is very important to stress that, from the very beginning, the intention of the whole process was to ensure that we would not come along and dictate to local communities. What we were doing was empowering local communities to come up with projects that they believed would benefit them. Therefore, it was a bottom-up approach. Local communities had that sense of empowerment: they had the discussion; they had the debate; and they prioritised the issues that they wanted to see developed in their area.

That took a bit of time because it was new. There were obviously criticisms of how long it took, but from my report to the Assembly today, it is quite clear that a step change has now occurred; that we are now seeing projects coming to fruition and will continue to do so over the next while. However, I take on board what the Member said. I think that we always have to look at these processes to establish how we can do things better in the future, if the decision is made to continue with this sort of approach.

NSMC: First Minister's Withdrawal

4. **Mr D Bradley** asked the First Minister and deputy First Minister to outline any work that has ceased or been delayed as a result of the First Minister's decision to withdraw from the North/South Ministerial Council. (AQO 8771/11-16)

Mr D Bradley: Ceist uimhir a ceathair, a Cheann Comhairle, le do thoil.

Mr M McGuinness: Since the then First Minister's statement on 7 September 2015, two meetings of the North/South Ministerial Council have been postponed. A meeting of the Special European Union Programmes Body (SEUPB) sector, scheduled for 18 September, was postponed, and a meeting of the agricultural sector scheduled for 7 October was also postponed. A further North/South ministerial meeting in the north-west to consider the future strategic approach to the development of the region, which was scheduled for 1 October to fulfil commitments given in the North/South Ministerial Council and the Stormont House Agreement, has also been postponed.

However, the operations of the North/South bodies are continuing as normal. Officials in sponsor Departments are in regular contact with the North/South bodies to keep them abreast of the position and to ensure that they are taking the necessary steps for the continued effective operations of the bodies.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. Gabhaim buíochas leis an LeasChéad Aire as an fhreagra sin. That was question 4 for those who were not tuned in.

Will the fact that the First Minister has withdrawn from the North/South Ministerial Council have an impact on the Council's ability to reach the joint target of €175 million cross-border collaborative drawdown under Horizon 2020?

Mr M McGuinness: I hope that it will not. I know that civil servants, officials and, I think, all parties in this Assembly are very keen to ensure that there is no financial loss as a result of the present situation. I am working on the basis that the work with Europe is continuing, and my hope is, as I believe is the hope of all Members in this House, that that money will be secured.

Mr Allister: So, the deputy First Minister tells us that the operations of the North/South bodies continue apace. Can I take it from that that the funding streams are continuing? If the deputy

First Minister's colleague the Acting First Minister and self-styled gatekeeper wanted to strike a real blow against the North/South bodies, of course she could turn off the funding tap, in that, for 2016, she as Finance Minister —

Mr Speaker: Question.

Mr Allister: — has to approve all the grants to the North/South bodies.

Mr Speaker: Will the Member resume his seat?

Mr Allister: Does the deputy First Minister agree that that would be an effective assault on the North/South bodies?

Mr Speaker: Will the Member resume his seat? The term "supplementary question" clearly implies that it is not up to you to offer advice to Executive Ministers. Ask a question. It is up to the Minister himself whether he wishes to respond.

Mr M McGuinness: I think that it is important that the work of the North/South bodies continues. I am happy to report that that work is continuing. Obviously, in terms of the meetings taking place that involve ministerial responsibility, there is a difficulty at this time. I hope that that will be overcome as a result of what, I hope, will be a successful outcome to the negotiations that we are involved in.

Apart from that, the Member's vitriolic hatred of anything North/South, or indeed of anything Irish, is legendary, so, from our perspective, we will not rise to the bait.

Mr Speaker: Miss Claire Sugden is not in her place. I call Mr Seán Rogers.

Childcare

6. **Mr Rogers** asked the First Minister and deputy First Minister what considerations they have given to implementing 30-hours free weekly childcare for working parents. (AQO 8773/11-16)

10. **Mr McElduff** asked the First Minister and deputy First Minister for an update on the implementation, aims and resourcing of the Childcare Strategy. (AQO 8777/11-16)

Mr M McGuinness: Mr Speaker, with your permission, I will ask junior Minister McCann to answer.

Ms J McCann: With your permission, Mr Speaker, I will answer questions 6 and 10 together.

We are aware of the provisions of the Westminster Childcare Bill, which will increase the amount of free preschool childcare available to working parents in England. The Executive have committed to provide a year's funded preschool education to every family that wants it. A full-time preschool place is 22 and a half hours a week, while a part-time place provides 12 and a half hours a week. The primary purpose of the preschool education programme is educational and focused on the development of the child. A positive consequence is that parents can enter the workforce. While, currently, there are no plans to extend the number of hours provided under the preschool education programme, that does not preclude consideration of such provision in the future.

In the context of expanding on early care and childhood development initiatives, the Executive's draft childcare strategy is open for public consultation until 13 November. The draft childcare strategy has two high-level aims: to promote child development and to enable parents to join the workforce. Each of those will, in turn, contribute to enhanced levels of economic activity, greater equality and social inclusion and reduced child poverty, thereby delivering social change.

The draft strategy proposes 22 separate interventions or actions to give effect to the Executive's vision for childcare. Our proposals will be finalised only on the basis of the feedback that we get from a range of stakeholders, including parents, practitioners and policymakers. Once the strategy is agreed, we will take forward each intervention separately, supported by a detailed business case and implementation plan.

Mr Rogers: I thank the Minister for her answer. Has OFMDFM had any further discussions on Barnett consequential from the implementation of the 30 hours of free childcare in England?

Ms J McCann: Officials are looking at the issue of childcare as a whole. I am not sure what you are talking about in relation to the Barnett consequential, and I will come back to you with a definite answer on that. However, our officials are in close contact with officials in the Westminster Government to see how anything that happens there can be developed and brought forward here.

Mr Agnew: What is being done to ensure that childcare providers are properly trained in the area of special educational needs?

Ms J McCann: The Member will be aware that, as I have said before during Question Time, the 15 key first sections of the draft childcare strategy were to look especially at training for people who work with children with disabilities. In some of the conversations that I have had when I am out speaking to some of the childcare providers, that has been an issue. Therefore, provision is made there for some organisations that deliver that, particularly to children with disabilities, to avail themselves of money to train their staff to an adequate level so that they can work with children with disabilities.

Mr Lyttle: Given that, at times, the monthly cost of childcare for many families is bigger than their monthly mortgage payment, what is the Office of the First Minister and deputy First Minister doing to promote the existing financial assistance schemes, such as the childcare voucher scheme, to families and employers in Northern Ireland?

Ms J McCann: The Member will be aware that we had long consultations with people on the voucher scheme. We are also looking at the new scheme coming in with that. The childcare voucher scheme will still be available for people who have it at the moment. In terms of the overall childcare strategy, that is exactly what we are trying to do. We are trying to provide childcare in a way that targets the people who most need it. The key issue that will affect families with children is the cuts to tax credits that the Westminster Government are talking about bringing forward. That will impact on over 120,000 families here in the North. On average, each household will lose up to £1,000 a year. That is a big part of the household budget that will be taken away. We are trying to ensure provision for childcare, but there are other issues that will impact on all of that. We will try to do our best, in our childcare strategy, to mitigate the cost as much as possible.

2.30 pm

Mr Speaker: That brings us to the end of the period for listed questions. We will now move on to 15 minutes of topical questions.

NAMA Loan Book Sale

T1. **Mrs Dobson** asked the First Minister and deputy First Minister for the deputy First

Minister's assessment of today's 'Irish News' reports about the National Asset Management Agency (NAMA) loan book scheme. (AQT 2921/11-16)

Mr M McGuinness: I think that it provides for very interesting reading, particularly in the context of a previous statement that was issued, which denied any involvement in the issue of persons seeking funding for the work that they said that they had done. Now, new light has been thrown on that with the publication of the letter in today's 'Irish News'.

The most that I want to say about it at this stage is that it is quite clear that what is happening around the sale of the Northern portfolio is now the subject of a criminal investigation into corruption by the National Crime Agency and the United States police, and, of course, an ongoing inquiry by the Committee attached to the Finance Department here in the North. It is also the subject of ongoing discussions in Dublin. These are very serious matters. I do not have any doubt whatsoever that new information is going to come to light over the course of the investigation and that everybody associated with that project — it was principally in the domain and responsibility of the Irish Government's Finance Department and NAMA in Dublin — will be held accountable.

Mrs Dobson: Does the deputy First Minister agree with me that this entire saga has damaged public confidence in some politicians and business figures locally?

Mr M McGuinness: The public will watch all of this and be very interested in it. I think that the public, like me, are more interested in the police investigations and what they will throw up. I await with interest, as I know the public does, further developments in the case. The exposure today of the fact that a letter was in existence, on foot of someone saying last week that they had no connection, throws a whole new perspective on what was going on. I am not casting any reflections on anybody whatsoever within the political arena, except to say that I think that the investigation that is taking place is very important for the purposes of allaying people's concerns that things were happening that clearly should not have been happening.

Shackleton Site, Ballykelly: Update

T2. **Mr McCartney** asked the First Minister and deputy First Minister to provide an update on the sale of the Shackleton site in Ballykelly, given that they will be well aware of its strategic

importance to the north-west. (AQT 2922/11-16)

Mr M McGuinness: We are very pleased to confirm that seven proposals for the Shackleton site were received as part of the open competitive sale process, which concluded on 2 October. Whilst the real measure of success will be how the purchaser of the site delivers employment and community and environmental benefits, receiving that number of proposals is a very welcome development. The size of the site for sale is approximately 621.5 acres, so anyone who has submitted a proposal to purchase and develop a site of that size has demonstrated a genuine commitment to making a significant economic impact on the north-west.

For commercial reasons, it would not be appropriate to discuss the detail of the proposals received until the assessment process has concluded. We will now undertake a detailed assessment of the proposals against the set criteria. We look forward to the process being completed in early 2016.

Mr McCartney: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the deputy First Minister for his answer. I welcome that news, and I am conscious of the future development of the Brandywell site, which I also commend the Minister for. Will he provide some insight into other uses that are now being undertaken on the site?

Mr M McGuinness: It is in the public domain that the Department has agreed to license part of the Shackleton site to a local film and TV production company on an interim basis, pending the completion of the sale of the site. It was, of course, open to that company to submit proposals as part of the open competitive process for the sale of the site. Demolition work is now complete in preparation for the relocation of the Department of Agriculture and Rural Development's headquarters. The relocation of DARD is expected to bring hundreds of high-quality public-sector jobs to the area. It will be a great boost for local businesses. In addition, NI Water has begun the process of purchasing part of the site for use as an integrated constructed wetlands. It is an environmentally friendly facility that will replace the waste water treatment works that currently deals with waste from Ballykelly village.

It is a very exciting site. The level of interest in it is tremendous. We have placed the

emphasis and focus on the provision of much-needed jobs for the north-west. After the Ballykelly site was handed over from the MoD to us, many people did not think that it would be of much use. There was not an awful lot of interest in it; in fact, there was a lot of criticism of the funds that we were spending to maintain the site. However, our position has been vindicated. The First Minister and I have been to the site. We always understood its potential to provide much-needed jobs for the area. I am very excited by it. I know that the former First Minister is as excited as I am — I know that the Acting First Minister is definitely as excited as I am — about the prospects of the site being sold to people who will provide much-needed employment in the area.

Sustainable Development Strategy: Local Government Involvement

T3. **Mr B McCrea** asked the First Minister and deputy First Minister what steps are being taken to ensure that local government is fully involved in and implementing the Executive's sustainable development strategy, Everyone's Involved. (AQT 2923/11-16)

Mr M McGuinness: The Member touches on an important issue. With the changes in local government, including the reduction in the number of local government areas from 26 to 11, there is now a huge responsibility on councils to work in concert with central government to ensure that we are getting best advantage for local communities. Our officials are working with local government officials to ensure that that process is being taken forward in a way that delivers for society.

Mr B McCrea: The deputy First Minister will be aware that 42% of our citizens are living in fuel poverty and that it is concentrated in his constituency. What steps will he and the rest of the Department take to prioritise energy efficiency in the years to come?

Mr M McGuinness: That matter is being treated very seriously. Indeed, it is a pity that we did not get to the next question — Steven Agnew's — before time was up on the first batch of questions, because it would have allowed me to explain what is happening in recognising the challenges that we face in ensuring that we support families to conserve energy and to ensure that carbon emissions are kept as low as possible through new processes that are being advanced on an almost weekly or monthly basis. Quite clearly, there is a proposal to ensure that grants are made available to families so that they can take best

advantage of them to heat their homes. Loans are also available.

A pilot scheme will begin in, I think, the early part of next year. I hope that that will pave the way for a much extended programme to ensure support for people who are living in fuel poverty.

Children and Young People: OFMDFM Leadership

T4. **Mr Agnew** asked the First Minister and deputy First Minister, given that the deputy First Minister and junior Minister McCann may be aware of the report commissioned by NICCY on best practice in joint departmental working for children and young people, with one of the recommendations to make that work being a requirement for leadership, for an assurance that that leadership will come from the Office of the First Minister and deputy First Minister. (AQT 2924/11-16)

Mr M McGuinness: Junior Minister McCann will take that question.

Ms J McCann: The Member will be aware that we have had discussions with him on his private Member's Bill. Through our Delivering Social Change framework, we are keen to have something that works better for children and young people. It does not help anyone when Departments are in different silos, particularly when we are dealing with children. We have a number of cross-departmental early intervention programmes. Education, Health and DSD are involved in some of those, and even the Department of Justice to a degree. None of the early intervention programmes that we have brought forward have sat in any particular Department; they are all very much cross-departmental. You are totally right that we need to have the type of structure and framework that all Departments can buy into. That will benefit children and young people the most in delivering services and dealing with issues and their needs.

Mr Agnew: I thank the junior Minister for her answer and the Office of the First Minister and deputy First Minister for its ongoing cooperation with me on my private Member's Bill. It has been beneficial and is appreciated.

One of the key elements of the Bill is the pooling of resources between Departments. What discussion has there been with the Department of Finance to ensure that this element can be progressed once the Bill, hopefully, passes through the Assembly?

Ms J McCann: As you will know, officials have had discussions about the Bill. Much of that discussion has centred on Departments with a responsibility for providing services for children, such as Education, Health and DSD. It is also about budgets: while we need the framework of working through Delivering Social Change, we also need to get it resourced. There have been ongoing discussions. I can write to the Member to give him a detailed account of any that have taken place with DFP in particular, but when we look at any framework, provision or even strategy, it has to be resourced as well. Having the funding and resource in place is a very important element.

Syrian Refugees

T5. **Ms Ruane** asked the First Minister and deputy First Minister when the first Syrian refugees will arrive in the North of Ireland. (AQT 2925/11-16)

Mr M McGuinness: Under the Syrian vulnerable persons relocation scheme, we propose to welcome between 50 and 100 refugees by December, with the expectation that further groups will arrive on a phased basis. Welcoming a modest number initially will assist with learning and with the identification and resolution of difficulties. We recognise that we have an existing population of refugees and asylum seekers from Syria and elsewhere. We will continue to work with NGOs and stakeholders to understand the experience of refugees and asylum seekers and provide our support throughout.

We believe that there is a strong case for a refugee integration strategy to ensure a smooth transition between being an asylum seeker and a refugee. We believe that this proposal would clearly demonstrate that, as a society, we have the capacity and maturity to react positively to a humanitarian crisis and extend the hand of friendship to those who are suffering. In doing so, we want to send a very powerful message about our support for Syrian refugees and our commitment to assist in this global issue. I am very comforted and pleased by the level of cross-party support in these institutions for that approach.

Mr Speaker: You may ask a very quick supplementary.

Ms Ruane: Gabhaim buíochas as an fhreagra sin. I thank you for the answer and absolutely support the work that needs to be done to integrate fully the refugees who are coming. We said in a debate in the Chamber that it

needs to be underpinned by financial support. Will the Minister outline whether any assessment of the associated costs has taken place?

2.45 pm

Mr M McGuinness: A range of complex issues is to be addressed in taking forward this work, the coordination of which will be for the strategic and operational groups. We also acknowledge that, in some cases, there will be cost implications for Departments and agencies. The position is that the UK Government will meet the first-year costs for accommodation and orientation support; they would also provide a contribution towards education costs.

We are seeking clarification about any health and social care costs that may arise. Based on receiving 350 refugees each year, it is estimated that first-year costs could be in the region of £1 million, rising to £6 million in total over three years. The Executive need to consider how those costs could be met.

Enterprise, Trade and Investment

Mr Speaker: The next item of business is questions to the Minister of Enterprise, Trade and Investment. As there is a vacancy in that ministerial office, Question Time cannot proceed. We return to the debate on cancer services.

Private Members' Business

Cancer Services

Debate resumed on motion:

That this Assembly notes the absolute importance of timely diagnosis and treatment of cancer as any unnecessary delays can result in a reduced likelihood of a successful outcome; accepts that cancer targets are set with established medical evidence; further notes that, whilst Northern Ireland has become a world leader in cancer research, local waiting times across a range of specialisms have deteriorated to unacceptable levels; and calls on the Minister of Health, Social Services and Public Safety to ensure that cancer services are adequately organised, funded and resourced to ensure patient safety is not further compromised. — [Mrs Dobson.]

Mr B McCrea: I want to talk about pancreatic cancer. It is the fifth most common cause of cancer death in the United Kingdom, yet it has the lowest survival rate. Of 100 people diagnosed, only four will survive beyond five years. That is a really stark statistic, particularly so when it happens to a friend of yours. The survival issue is not just that only 4% will last for five years; it is that only 18% will last for one year. Many people diagnosed are at such an advanced stage of the disease that even chemotherapy is not a solution for them. The shock to people who were relatively healthy until that notice came in is profound. They know little about where to go for help and support or what to do about making financial arrangements. It is hugely traumatic, not just for the person who received the bad news but for their family and friends. They are frequently looking just for information and do not know where to turn.

I want to use the motion to draw to the attention of the Assembly that 2 November is Pancreatic Cancer Day here, and I know that Mrs Dobson, who spoke earlier, is much involved in that. I commend it to Members. We are going to try to light the place up purple. We want to draw attention to it. It is a particular issue for me, which is why I wanted to come into the debate and have a discussion on this. My friend — who has not yet shared her knowledge with all of her family — told me what her symptoms were, and that prompted me to go along to get checked out by the GP.

(Mr Deputy Speaker [Mr Dallat] in the Chair)

As a result — because I thought that I had been OK for a while — the doctor told me that I am not possibly but definitely suffering from diabetes. He went on to put the fear of God into me. He said, "You do realise that diabetes is going to take 17 years off your life if you do not exercise, if you do not take your medication and change your eating habits". He talked me through all those issues, but the link is that he then said, "We are going to do checks to see if there is anything more profound, because there are strong linkages between diabetes and the pancreas and pancreatic cancer".

The issue is that early diagnosis is key. Many of us ignore symptoms and think to ourselves, "Oh, I am just tired because I have got a lot of work on"; or, "Oh, I've got itchy skin, but, sure, it's not that bad". Or we may have other symptoms that are not tackled. So, for what it is worth, I have to say to the Assembly that when you get a diagnosis of any serious illness you immediately want information:

"What should I do next?", "How should I inform people?". More than that, you have issues to do with anger and anger management: "Why am I singled out?", "Why am I short-tempered?". Those issues require support services as well.

I do not intend to make a huge contribution, given that we are not exactly talking to a packed House, but I want to put it on record that many people will face the trauma of a late diagnosis. The key issue in how we run our health service — I put this out without being a specialist on health — is that GPs will see, perhaps, one person with pancreatic cancer every five years, so there needs to be some way of refreshing their knowledge of the issue and bringing it to their attention. To be honest, they are general gatekeepers, and they get all sorts of ailments across their doorstep. Early diagnosis is key. Perhaps, we need to look at a different way of getting interventions. P Perhaps, we should follow the Danish model of going directly to specialists. That concludes my contribution on the matter, but please remember Pancreatic Cancer Day on 2 November in this place.

Mr McGimpsey: I rise to make a winding-up speech on this important debate. I thank all Members who have taken part in it and have added valuable contributions to this debate on cancer services, particularly Oliver McMullan and Seán Rogers for their personal contributions, indicating and illustrating exactly the situation for patients of our cancer services.

First, let me say that our cancer services have very good staff. We have very good doctors, oncologists, health professionals and nurses dealing with cancer in Northern Ireland. We must pay tribute to them for the tremendous work they do and for the huge number of successes they are responsible for. They literally give people back their life in countless situations. It is not fair on them, any more than it is on the patients, that they are under such stress and pressure and are not provided with the resource and support that they need to deliver for the patients in the manner they want to. I will not go through all the statistics that we have heard today from successive Members — statistics on waiting time targets not being met, whether they are for breast cancer, urgent GP referrals or moves to inpatient or outpatient treatment. Throughout cancer services, we are slipping.

It is clear that we all understand that, if you are waiting for cancer services, the likelihood is that you can come to harm. Early diagnosis and early intervention are, of course, the key. If there is any delay in the diagnosis of a serious

or life-threatening condition such as cancer, there is a reduced likelihood of a successful outcome. That is a fact. We are talking about a life-and-death situation. We have an absolute responsibility and duty to deal with this. That is the problem, and it has to be addressed. It has to be fixed, and it can be fixed. This is not the way that it has always been. Normally, in the past, our cancer services were on target because they got the support and resource from the House and the Executive that they required. This has not been the case for a number of years, and I will go into that in a few moments.

The reality is, of course, that we could equally be talking about cardiology, neurology, trauma and orthopaedics, ophthalmology, general surgery, ENT or gynaecology. We could be talking about all of those areas, because they are all areas in which waiting times far exceed anything we have seen in the recent past. Indeed, we are now estimated to be at the worst waiting times in the health service for 15 years. Our health service is in crisis. We need an emergency response; we need a crisis response; and we need immediate action because our patients are in extremis. How do we get that? We get that by the Minister taking an emergency action plan to the Executive and getting that support. Sammy Wilson promised at the last Budget in 2011 that, if there were any financial shortfall, he would go to the Executive and simply top-slice all Departments to get that money — a promise, of course, that has not been kept. That is the situation that we are in. That is why we need the Minister to be at his desk.

Mr McKinney: I thank the Member for giving way. He is just touching on the bit about not being at his desk. Notwithstanding the political connotations that he is trying to foist, if you like, on that position, does the Member agree that, by not being in his position here or at his desk in the Health Ministry, the Minister does not recognise the crisis that the Member has so eloquently reflected?

Mr McGimpsey: I thank Mr McKinney for that intervention. I read Simon Hamilton's article in today's 'Belfast Telegraph'. It illustrates perfectly the point that he makes: the Minister does not understand the role that he has in addressing such a crisis. He should, because, on Thursday night, he was on 'The View' and Janice Smyth of the RCN told him clearly what he was there to do: to give leadership and strategic direction. That is what we are asking for now. Without that strategic direction and leadership, the situation will continue to drift. I have no doubt that it is liable to get worse. That

is a matter of life and death. That is absolutely irresponsible. I think that no one really understands the situation that Simon Hamilton has allowed himself to drift into, a position where he has such a life-and-death situation to deal with and is not at his desk and is not here today. He can talk to the 'Belfast Telegraph', but he cannot come here and talk to us. It illustrates the situation perfectly.

The health service has been underfunded for the last four years. We know that from the 2011 Budget. I take no firmer evidence than the example of Edwin Poots, who went into the health service in spring 2011 and said that he did not need another penny and had all the money he needed. There would be no more money, but he would do it because, as he said, productivity in our hospitals was low and he would fix it through productivity and efficiency. Within three months, he was telling the Committee that he needed £300 million fast because the health service was in such a challenging situation. Of course, while he got some money through in-year monitoring — something that was not available to me — it was never quite enough. We are now in a situation where we are without the resource that we require. Ironically, Jim Wells gave exactly the same message when he was the Minister: we are short of the resource, and we cannot do this on the money that we have.

Indeed, one day, I stopped Sammy Wilson in the car park and said to him, "Look, Edwin Poots cannot do this on the money that he has been allocated". Sammy's response was to laugh and say, "Oh, I was far too generous as the Finance Minister". Well, Poots says that he was not. Wells says that he was not. Then we come to Simon Hamilton, who, as the Finance Minister, publicly and inexplicably criticised Edwin Poots and accused his own party member of being financially incompetent in managing the health service budget. Now Simon is telling us through the 'Belfast Telegraph' — not here and not at the Committee — that there is not enough resource and he needs more money etc.

We need this action plan, and we need it right now. That is the reality. This is an emergency situation that, I believe, is superior to all other crises. He has to get in there. We have lives at risk. Those lives at risk give him a moral imperative that he cannot ignore. I actually anticipate his return to his desk sooner rather than later. The political embarrassment that the DUP finds itself in, where only Tom Buchanan — yes, Tom Buchanan; I nearly forgot your name — is allowed in to listen to us and all the rest are kept out. We remember that, in

debates like this when I was the Minister, mass hysteria broke out in the DUP ranks. Massed ranks of the DUP went into forms of hysteria in this type of situation. Here we have one individual, and he is not allowed to speak. That is disgraceful. That casts serious aspersions on the judgement of the DUP leadership and its willingness to shoulder responsibility.

I am quite sure that Tom would like to get to his feet and say what he would like to say. I know, as we all do, that many Members of that party want to take part in this debate and feel exactly like the rest of us: that this situation cannot be ignored and that they have a clear moral responsibility to get in there in the middle of it but that is not happening for a political reason. It is wrong to mix politics with health. Health should be above politics. I think that you only have to listen to what the BMA, the RCN, staff side and the unions are telling us. All of us are saying the same thing: this crisis is fixable, but we need an emergency plan.

3.00 pm

We talked about Transforming Your Care, Donaldson and the review of commissioning. To start with, all those situations need to be front-loaded. They cannot be simply done by the stroke of a pen or the press of a button. They all need investment. All of them provide the answers on things such as consolidating acute services on fewer sites. We need to have those sorts of discussions in the future, but, right now, lives are at risk and being put in jeopardy. We need action, and we need it now — today. We need to hear from the Minister, whose job it is to provide leadership and strategic direction. Sadly, that leadership is lacking.

Question put and agreed to.

Resolved:

That this Assembly notes the absolute importance of timely diagnosis and treatment of cancer, as any unnecessary delays can result in a reduced likelihood of a successful outcome; accepts that cancer targets are set with established medical evidence; further notes that, whilst Northern Ireland has become a world leader in cancer research, local waiting times across a range of specialisms have deteriorated to unacceptable levels; and calls on the Minister of Health, Social Services and Public Safety to ensure that cancer services are adequately organised, funded and resourced to ensure patient safety is not further compromised.

Adjourned at 3.01 pm.

Suggested amendments or corrections that arrive no later than two weeks after the publication of each report will be considered by the Editor of Debates.

They should be sent to:

✉ **Editor of Debates, Room 248, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1135**

✉ **simon.burrowes@niassembly.gov.uk**

Hansard reports can be made available in a range of alternative formats, including large print, Braille etc. For more information, please contact:

✉ **Hansard Admin Unit, Room 251, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1463**

✉ **hansard@niassembly.gov.uk**

The Official Report (Hansard) is licensed under the Open Northern Ireland Assembly Licence, which can be accessed here: [Open Data Licence](#)

[To receive an alert each time an updated plenary report is published, you can follow @NIAHansard on Twitter](#)